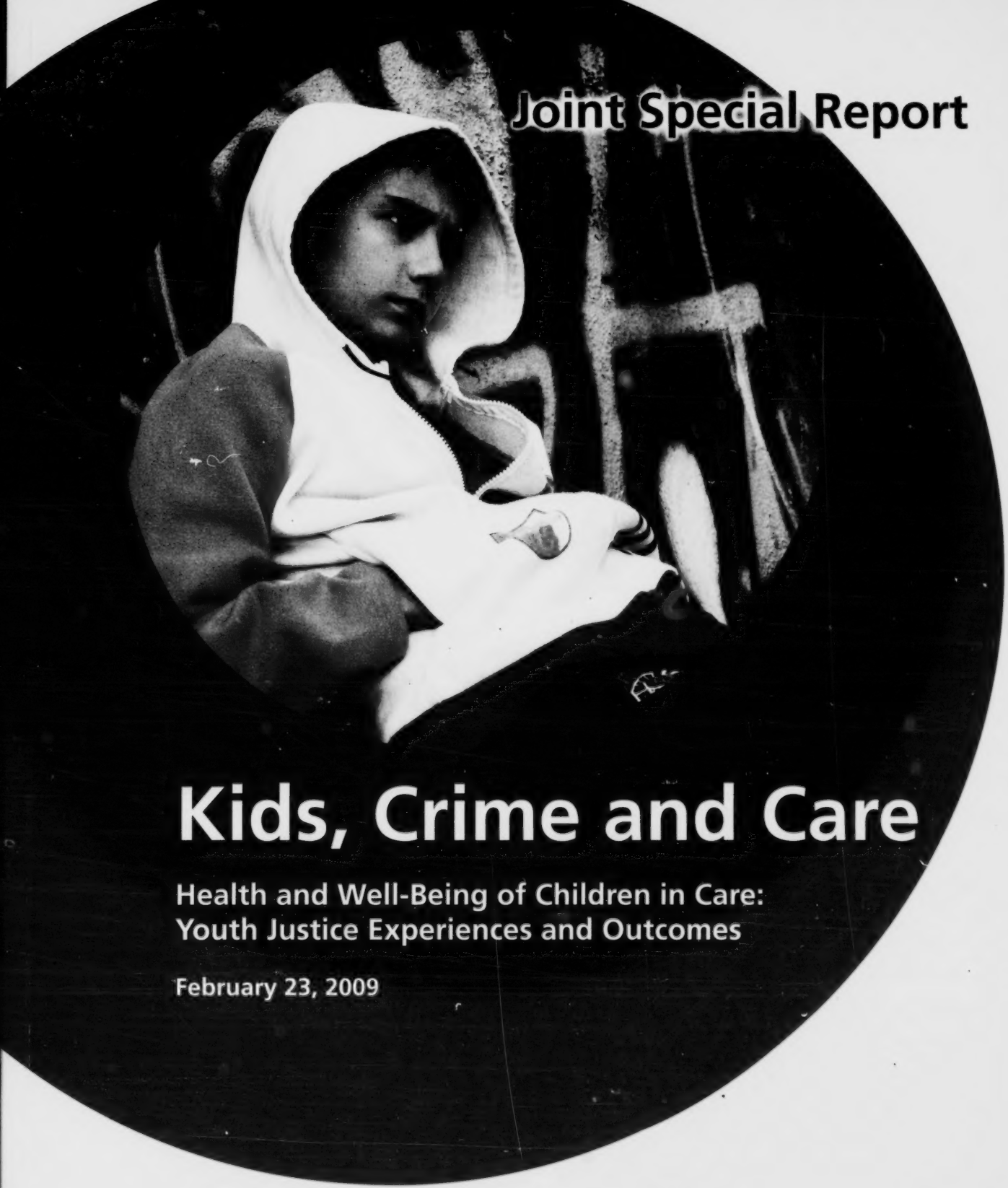

Joint Special Report

Kids, Crime and Care

Health and Well-Being of Children in Care: Youth Justice Experiences and Outcomes

February 23, 2009

REPRESENTATIVE FOR CHILDREN AND YOUTH

BRITISH COLUMBIA Office of the Provincial Health Officer

Joint Special Report

Kids, Crime and Care

Health and Well-Being of Children in Care: Youth Justice Experiences and Outcomes

REPRESENTATIVE FOR
CHILDREN AND YOUTH

BRITISH
COLUMBIA

Office of the
Provincial Health Officer

February 23, 2009

The Honourable Bill Barisoff
Speaker of the Legislative Assembly
Suite 207, Parliament Buildings
Victoria BC
V8V 1X4

Dear Mr. Speaker,

I have the honour of submitting to the Legislative Assembly of British Columbia this joint special report, prepared with Dr. Perry Kendall, the Provincial Health Officer. The report is entitled *Kids, Crime and Care – Health and Well-Being of Children in Care: Youth Justice Experiences and Outcomes.*

This report is prepared in accordance with Section 6 of the *Representative for Children and Youth Act*, which makes the Representative responsible for conducting research and making recommendations on the provision of designated services, in order to improve their effectiveness and responsiveness. The Provincial Health Officer has the responsibility under the *Health Act* to provide independent advice on the health of the provincial population.

Sincerely,

Mary Ellen Turpel-Lafond
Representative for Children and Youth

pc:

Chair, Select Standing Committee on Children and Youth

Mr. E. George MacMinn, QC
Clerk of the Legislative Assembly

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Executive Summary

We take a close look, in this report, at some of the most vulnerable children and youth in B.C., and how we can help them. *Kids, Crime and Care* is not only about children and youth *in* care, it is just as importantly about the responsibilities of those entrusted with caring for these children. This special relationship calls for government, guardians and child-serving agencies to be a kind, judicious – and caring – parent. This means ensuring these children receive the best educational experience possible, and knowing how these kids are doing in their schools and communities on a daily basis. If their children come in contact with the police or the courts, it means delving into the 'why' and the 'how', and coming up with ways to turn their lives around, as any caring parent would do. This report makes recommendations on ways to begin.

This study is one of the largest undertaken in Canada on youth justice and children in care, with more than 50,000 children in its cohort group, a 10-year span of data examined, research on more than 200 intervention programs, and a wide variety of outcomes measured (e.g., income assistance, education, special needs, youth and adult justice outcomes for children in care, Aboriginal children and youth and other vulnerable youth). This report and the previous two in this series[1] involved data-matching across B.C. government ministries and systems on an unprecedented level.

For this youth justice report, data on all 50,551 children born in 1986 who were attending school in B.C. in 1997/98 were studied for this review. All children included in the study were 11 years of age by December 31, 1997.[2]

The cohort group of children for this study was chosen because formal involvement with the youth justice system begins at 12 years of age. Starting the study at age 11 allows the tracking of the trajectory of the group through the justice system. The year 1997 was the earliest date at which all of the data from each of the ministries was of sufficient quality to undertake a multi-system analysis.

The report is based on an extensive review of the outcomes of children and youth involved in the youth justice system. It was conducted to better understand the risk factors and circumstances that too often lead to vulnerable youth, especially those living out of the parental home, becoming involved with the youth justice system.

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[1] *Health and well-being of children in care in British Columbia: Health Services Utilization and Mortality*, Provincial Health Officer and Child and Youth Officer (2006) and *Health and well-being of children in care in British Columbia: Educational Experience and Outcomes*, Provincial Health Officer and Representative for Children and Youth (2007)

[2] Mortality was not accounted for at this time.

There is no youth crime crisis in B.C.[3] However, a large and very vulnerable group of children and youth, many of whom are Aboriginal and in the care of the government, are at a higher risk of ending up in jail than their peers. Often, these children have been removed from their family home and have experienced instability and poor attachment to positive peers and adults. Although some of these youth have the strength and resilience to lead successful lives despite the challenges they face, many do not.

Living outside the parental home increases the risk that a child or youth will end up involved with the youth justice system. These children are often struggling to overcome significant issues and traumas such as neglect or abuse, and also frequently have mental health issues or developmental disabilities.

Evidence from other studies shows that children who have been neglected or abused are at least 25 per cent more likely to display a variety of problem behaviours during adolescence.[4] This includes serious violent behaviours, substance abuse, teen pregnancy, low academic achievement and mental health problems. Not surprisingly, being abused or neglected also nearly doubles a child's chance of having a youth justice record.

Although the incidence of special needs and mental illness is high for children and youth in care or otherwise living out of the parental home, the statistics are even more alarming for those in care who are involved in the youth justice system.

Of the youth in care involved with the youth justice system, almost 72 per cent have been reported with intensive behavioural problems or serious mental illness within the school system, compared with just over two per cent for the general youth study population. Nearly two-thirds (65 per cent) of children in continuing custody were diagnosed with a mental disorder at least once during childhood, as revealed in the first report in this series.

The second report in this series showed that nearly 70 per cent of the children in care studied were identified with educational special needs, in contrast to 15.5 per cent of the general youth population.

B.C. has the second-lowest youth crime rate in the country and a strong delivery system of youth justice programs and services. The system has been thoughtfully built and supported and has been seen as part of a child and youth development system, rather than simply a mechanism for punishment and isolation. Much commendable and capable leadership has been shown in this area. There is extensive use of diversion to keep youth out of custody and innovative approaches such as community conferencing

[3] B.C.'s youth crime rate declined by 54 per cent from 1991 – 2007. See Figure 1.
[4] Coccozza & Skowyra, 2000, Farrington, 2006 Wingfield, 2001.

and respect for Aboriginal traditions and processes. All of these approaches help provide opportunities for youth who have committed crimes to provide restitution and be held accountable for their actions within a community setting.

The youth remaining in the system are those for whom many systems may have failed and many adults may have rejected or failed to support. Unfortunately, by the time youth in care come in contact with the youth justice system, their chances for positive outcomes have diminished considerably. Our society and government should be looking for early opportunities to intervene and change the trajectory for these vulnerable youth, especially those who are in care and Aboriginal.

In B.C., it costs up to $20,000 per year for each youth under community supervision, and approximately $215,000 per year for each youth in custody.[5] The cost to society over the lifetime of an individual involved in crime is staggering, and requires us to increase our efforts to more successfully promote more optimal infant, child and youth development.

Many intervention programs reviewed for this report show promise to reduce the likelihood a child or youth will turn to crime, and to increase their resilience and positive social attachments. These programs and supports are most effective when applied throughout the life of a child – from the earliest prenatal stages, supporting pregnant mothers and families, to infant and preschool supports, through the school system to the transition from youth to adulthood.

There is a wealth of knowledge and evidence-based research on programs for these vulnerable children and their families. Some of these programs are already underway in B.C. However, it is necessary to examine those underway in the province and identify where there are any missed opportunities or gaps in service, and provide additional intervention support in our communities. Evaluation is critical, as the literature demonstrates that what works for some children, youth and families may not work for all.

The recommendations in this report are focused on concrete and practical changes that could be accomplished with little difficulty, and yet could impact children's lives in positive ways – by improving assessment and supports for the children and youth, and encouraging those in charge of these important areas to really focus on what works for vulnerable children, youth and their families.

[5] Community supervision costs are inclusive of youth community supervision, all specialized programs such as community residential addictions treatment and also Youth Forensic Psychiatric Services assessment and treatment costs..

Investing in a range of social supports for both Aboriginal and non-Aboriginal children and youth is in itself an effective youth crime prevention strategy. Without these investments and interventions, too many of the vulnerable youth involved in the youth justice system today will unfortunately become the adult offenders that crowd the courts and jails and put an economic burden on society.

British Columbia has begun several projects in the area of early intervention and support, but work to date is scattered, not consistent across the province, and not accessible to some of the most vulnerable children and youth. A better job of integrating programs and services, filling in gaps in support and intervention, and being more accountable in evaluating and reporting on progress is critical to success.

It is also important to recognize that while early intervention is the long-term key to strengthening the resilience of vulnerable children, youth and families and building stronger communities, it is never too late to intervene. It is never too late to help a youth turn his or her life around and to gain the confidence and trust needed to succeed and become a productive adult.

Findings on Children and Youth in Care and the Youth Justice System

Children and youth living outside the parental home

- There are currently about 9,000 children and youth in care under the *Child, Family and Community Service Act* for whom the B.C. provincial government is the parent.
- About 4,500 B.C. children reside with relatives under the Child in the Home of a Relative program, 300 children in kinship and out of care placements, another 1,500 First Nations children in the home of a relative in the federally administered Guardianship Financial Assistance program on reserves, and over 600 youth per year living independently on Youth Agreements.

Aboriginal children and youth

- Aboriginal children and youth are over-represented in many of the above vulnerable at-risk groups.
- In the group studied for this report, more than one in five Aboriginal youth had either been in care, in the home of a relative or both, in contrast to less than one in 30 non-Aboriginal youth.
- Nearly one-third of the youth in the youth justice system were Aboriginal.
- Aboriginal youth were five times more likely to be incarcerated than youth in the general study population.

Youth in care involved in the youth justice system

- A higher proportion of children and youth in care in B.C. become involved with the youth justice system (35.5 per cent) than graduate from high school (24.5 per cent).[6]
- Of youth in care, one in six had been in youth custody (lock up, remand or sentenced) compared to less than one in 50 of the study population.
- Approximately 41 per cent of youth in care were recommended for charges by police, in contrast to just over six per cent of the general youth population.
- The most common offences for youth in care were property-related offences, assault, and administrative offences, such as breaching bail supervision or probation conditions.

[6] Source: Figure 8 ("Percentage of involvement with the justice system") and Figure 10 ("Graduation rates of those involved in the youth justice system").

- Thirty-six per cent of all youth in care[7] appeared before youth court, in contrast to less than five per cent of the general youth study population.
- Just over 30 per cent of children in the Child in the Home of a Relative (CIHR) program and 18 per cent of Aboriginal youth were recommended for charges.
- A higher proportion of male youth in continuing custody appeared in court, at 48 per cent.
- Once youth in care entered the youth justice system, their likelihood of graduating from high school dropped to just 13 per cent.

[7] This number includes youth who were in care at some point in their lives.

Section 1: Introduction

This report on the youth justice system and children living out of the parental home is the third in a series of reports on different aspects of the well-being of children and youth in care in British Columbia.

The report outlines the findings and recommendations of the Representative for Children and Youth and the Provincial Health Officer following a review of the outcomes of children and youth in care and the youth justice system.

Reasons for Study

This study was conducted to better understand the relationship between children and youth in care and the criminal justice system, and to make recommendations that will help improve the outcomes of this vulnerable group.

The Representative's Mandate

The mandate of the Representative for Children and Youth is to improve services and outcomes for children in B.C. through advocacy, accountability and review. The Representative has a special interest in monitoring the safety and well-being of children in B.C. and ensuring that good outcomes are achieved for them through effective and responsive programs and services.

Under Section 6(b) of the *Representative for Children and Youth Act*, the Representative is responsible for monitoring, reviewing, auditing and conducting research on the provision of designated services, making recommendations to improve the effectiveness and responsiveness of these services and commenting publicly on any of these functions.

A "designated service" is any of the following services or programs for children and their families provided under an enactment or provided or funded by government:

- services or programs under the *Adoption Act*, the *Child, Family and Community Service Act*, the *Community Living Authority Act* and the *Youth Justice Act*
- early childhood development and services
- mental health services for children
- addiction services for children
- services for youth and young adults during their transition to adulthood
- additional services or programs prescribed by regulation under the *Representative for Children and Youth Act.*

The Provincial Health Officer's Mandate

The Provincial Health Officer is the senior medical health officer for British Columbia. The responsibilities of the Office of the Provincial Health Officer are outlined in the *Health Act* and include:

- providing independent advice on health issues to the Minister and Ministry of Health
- reporting to British Columbians on the health of the population and other health issues
- recommending actions to improve health and wellness
- reporting on progress towards achieving B.C.'s health goals
- working with the B.C. Centre for Disease Control and Prevention and B.C.'s medical health officers to fulfill their legislated mandates on disease control and health protection.

The Study

The comprehensive review involved consultation with:

- experts in youth justice policies and legislation
- experts in criminology and child welfare
- selected youth
- Ministry of Children and Family Development (MCFD) policy and legislation staff
- MCFD youth justice staff
- Attorney General (AG) Court Services and Criminal Justice Branch staff
- Criminal Justice Reform Policy Secretariat.

Background

There are about 9,000 vulnerable children and youth[8] for whom the government is the parent in British Columbia's child-serving system. Additionally, there are approximately 4,500 children in the Child in the Home of a Relative (CIHR) program, another 1,500 First Nations children in the home of a relative in the federally administered Guardianship Financial Assistance program on reserves and over 300 children in kinship and out-of-care placements.[9] There are also more than 600 youth living independently on youth

[8] Source: MCFD – 8,960 children and youth as of December 2008

[9] Section 8, Section 35(2)(d) and Section 41(1)(b)

agreements through MCFD. All of these children and youth require special support, care and attention to ensure they are developing well and have positive relationships with adults and peers, particularly during adolescence. Many have had negative experiences that diminish their chances to develop to their full potential. They need assistance to overcome these experiences, make up for missed developmental opportunities, and develop the resilience needed for successful life experiences in the future.

There has been limited research on the relationship between children and youth in care and the youth justice system. This report highlights the challenges children and youth in care face when they come into contact with the youth justice system, and provides insights into what may work to prevent this from happening in the future.

Research shows that poverty and other risk factors[10] can impact the family in a manner that increases the probability of future involvement with the criminal justice or child welfare system.

These risk factors include:

- young, single-parent mother
- poor nutrition, especially during pregnancy
- having limited extended family and community support
- alcohol or drug abuse
- inappropriate parenting skills
- not completing high school
- limited employability
- unstable or conflicted partner relationships
- reliance on income assistance
- living in socially supported housing in neighbourhoods with high crime and little sense of community.

For many children and youth in care, the difficult life experiences that led to their coming into the care of the Province can contribute to the development of mental health problems and anti-social behaviour. These experiences can create additional vulnerabilities – making their support and care more difficult to manage and making them more likely to have multiple foster home placements. Multiple placements can often lead to increased feelings of uncertainty, rejection and anger. Whether frequent

[10] Risk factors identified by studies in the unpublished Literature Review done for this study.

moves reflect an early predisposition to anti-social behaviour or are in part a response to it, children in care with numerous placements are in need of special services and interventions.[11]

Some studies have found that people who were abused or neglected at a young age were at least 25 per cent more likely to display a variety of problem behaviours during adolescence, including serious violent behaviour, substance abuse, teen pregnancy, low academic achievement, and mental health problems.[12] Similar studies have found that being abused or neglected nearly doubles a child's chance of eventually having a youth justice record.

Every child should have a loving, supportive relationship with one or more adults to help guide them through the important transitions from birth to adulthood, and to develop the resilience required to deal with life's adversities. There are many stages of development and important transitions throughout childhood and adolescence. Strong attachment to a positive adult role model can help a child through these stages and to achieve their full potential.

Each of these stages (early childhood, middle years and adolescence) and transitions (kindergarten, the onset of puberty and entering high school) can be impacted by negative risk factors. These factors include exposure to toxic substances during their mother's pregnancy, physical or sexual abuse or neglect, involvement with negative peer groups and alienation in school. The more risk factors a child is exposed to, the greater the chance they have of coming into contact with the justice system and having serious life problems such as mental illness, lower educational attainment, higher rates of crime and unemployment as an adult.

When a child enters school, it is a significant transition in their life, and an opportunity for new roles and responsibilities. Negative experiences that impact on this transition can have long-term consequences, while a positive school experience can help create a lifetime love of learning and healthy social relationships.

The unfortunate reality is that a higher proportion of children and youth in care in B.C. become involved with the youth justice system than graduate from high school.[13]

[11] Farrington et al., 2001

[12] Coccozza & Skowyra (2000), Farrington (2006), Wingfield (2001).

[13] Source: Figure 8 ("Percentage of involvement with the justice system") and Figure 10 ("Graduation rates of those involved in the youth justice system").

The life experience of the 4,500 children in the CIHR program is not well understood, but these children graduate from school and get involved with the youth justice system at similar rates as children in care. Youth who are not in care but still get involved in the youth justice system are also generally an at-risk group, as less than one-third of them graduate from high school and almost two-thirds of them have educational special needs. Although being in a low-income family is not a risk factor alone, poverty increases risk factors such as neglect, maltreatment and abuse and increases barriers to success.

Aboriginal children are over-represented in each of these populations. Over half of the children in care in B.C. are Aboriginal, and approximately one-third of youth in the youth justice system are Aboriginal. The estimate of the number of Aboriginal children in the CIHR program ranges from 40 to 50 per cent. As mentioned, another 1,500 First Nations children are in the federally administered Guardianship Financial Assistance Program, which mirrors the CIHR program on reserves.

As has been shown in previous joint reports, the overlap between each of these groups of children and youth is significant. During the course of their lives, many of these children may have been in care, in the CIHR program, in contact with the justice system and have educational special needs.

A greater proportion of children in care have involvement in the youth justice system than children who aren't in care. However, it is important to note that many children and youth in care, including Aboriginal children and those in CIHR, do fine despite considerably adverse circumstances in their lives. In fact, the substantial majority of children in care do not become formally involved in the justice system at all, despite the risk factors.

British Columbia has a strong delivery system of youth justice programs and services. There is no crisis here – B.C.'s youth crime rate is low and has been declining for more than ten years. The Canadian Centre for Justice Statistics recently reported that in 2007 B.C. had an overall youth crime rate and a violent youth crime rate well below the national average, and the second lowest in Canada (behind Quebec). Nonetheless, a strengthened focus is necessary to improve the quality and consistency of supports for the most vulnerable children in the province.

However, there is still much yet to be done to enhance the resiliency of the vulnerable children and youth who come into care and do not have successful outcomes. The most challenging work remaining is to improve the life opportunities of the most vulnerable children, so their developmental trajectory will not lead them to a jail cell but to a pro-social and positive future, equipping them to be part of society while pursuing opportunities equal to others.

The United Nations *Convention on the Rights of the Child*[14], which Canada has adopted, says that children everywhere have the following rights:

- the right to survival
- to develop to the fullest
- to protection from harmful influences, abuse and exploitation
- to participate fully in family, cultural and social life.

The Convention has particular importance in Canada, as it has been accepted as an interpretive lens for Canadian law. Canadian courts, in particular the Supreme Court of Canada, have recognized that Canada's international commitments play a role in interpreting domestic law such as youth criminal justice statutes.[15] The preamble of the federal *Youth Criminal Justice Act*[16] specifically references that Canada is a signatory to the Convention, which has found clear support in recent cases in the highest court.[17]

In a recent case, the Supreme Court of Canada found that the legal principle of a presumption of diminished moral culpability for young persons was consistent with article 40 of the Convention: ... *[W]e have a separate legal and sentencing regime for young people, namely that because of their age, young people have heightened vulnerability, less maturity and a reduced capacity for moral judgement.*[18]

There are many opportunities to work towards strengthening early prevention efforts to change the grim statistics for these children and youth and help ensure that if they are taken into care, they do not get involved with the youth justice system. Similarly, those already involved with the system should have their special needs and mental health issues dealt with in a measured and effective manner. This report focuses on ways B.C. can promote public safety and improve integration of service delivery. As well, recommendations are made to address the additional support vulnerable children need and deserve to achieve better outcomes.

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[14] *Convention on the Rights of the Child*, 20 November 1989, 1577 U.N.T.S. 3 (entered into force 2 September 1990) [CRC].

[15] *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817, 174 D.L.R. (4th) 193.

[16] *Youth Criminal Justice Act*, S.C. 2002, c. 1.

[17] In *R. v. C.D.; R. v. C.D.K.*, [2005] 3 S.C.R. 668, 2005 SCC 78., the Supreme Court of Canada referenced article 37(b) of the Convention to reinforce an objective of the Act restricting the use of arrest, detention or imprisonment for young persons given their diminished maturity and developmental needs.

[18] *R. v. D.B.*, [2008] S.C.J. No. 25, 2008 SCC 25 at 41.

Section 2: Youth Justice in British Columbia

The Legislative Context

On April 1, 2003 the federal *Youth Criminal Justice Act* (YCJA) came into effect. The YCJA was enacted with the primary objectives of:

- reducing the use of custody for young offenders
- encouraging more use of community-based responses to youth crime
- bringing greater consistency to the administration of youth justice across Canada.

The YCJA emphasizes that the purpose of the youth justice system is to promote the long-term protection of the public. In order to achieve this objective, the youth criminal justice system should:

- prevent crime by addressing the circumstances underlying a youth's offending behaviour
- rehabilitate young persons who commit offences
- ensure that a young person is subject to meaningful consequences for his or her offence.[19]

Additional principles of the Act are that the response to an offence must be proportionate to the offence and that child welfare and social concerns are not to be addressed by detention decisions or custodial sentences imposed in youth court.

The YCJA deals with youth from age 12 to 17. Although youth do not legally become adults until age 19, at age 18 they enter the adult justice system. In an effort to reduce the large number of minor youth offenders that appear before the courts, the YCJA explicitly states that "extrajudicial measures are often the most appropriate and effective way to address youth crime."[20]

The Act emphasizes the use of diversion and community-based responses to youth crime. Police and prosecutors are required under the YCJA to determine whether it is appropriate to divert youth so that they do not end up formally involved with the justice system, while judges are to use custody only as a last resort.

[19] YCJA, Section 2 (2a)
[20] YCJA, section 3 (1)

The process of diversion under the YCJA can take place at different stages of the youth justice process. There can be informal diversion by a police officer who simply decides not to charge a youth but rather warn the youth and/or the youth's parents. There can also be formal diversion from the court process through the use of extrajudicial sanctions and community justice measures.

The YCJA also allows for the use of conferencing as an alternative decision-making process, which involves the victim and the community in the decisions made by the youth criminal justice system. Conferencing allows for victims and offenders to meet, so that an offender can apologize and jointly propose a restitution plan. Professionals, parents and community members can also be involved in a conference to provide advice about appropriate extrajudicial measures, conditions for judicial interim release or sentences.

B.C.'s Youth Justice System[21]

The *Young Offenders Act* (YOA) was the predecessor to the YCJA. Under the YOA, British Columbia made relatively extensive use of diversion and limited use of youth custody when compared to other provinces (except Quebec). Since 2004, approximately 500-600 youth have been formally diverted each year.[22] The YCJA further reduced the charging of youth in the province, as well as the numbers of youth on probation, conditional supervision and custody. The use of judicial interim release and remand for youth has remained relatively constant, although the use of remand declined almost 40 per cent in the five years preceding YCJA implementation.

In Canada, responsibility for administration of youth justice services resides with provincial governments, while the federal government provides some funding and establishes the criminal law.

In British Columbia, three ministries are involved in administering youth justice services – the ministries of Children and Family Development, Attorney General and Public Safety and Solicitor General.

The Attorney General ministry is responsible for charge policy, criminal prosecution, provision of legal aid and court services. The Public Safety and Solicitor General ministry is responsible for police services, adult probation and correctional facilities.

[21] Overview assembled from documentation provided by MCFD Youth Justice staff, information from MCFD's website and MCFD's Management and Analysis Reporting System (MARS).

[22] Source: MCFD, Management and Analysis Reporting System (MARS)

MCFD's youth justice responsibilities are divided into three main areas:

- Community Youth Justice Services (administered by the regions)
- Youth Forensic Psychiatric Services
- Youth Custody Services

Community Youth Justice Services provide services to youth involved with the justice system in the community. The broad array of community services includes:

- formal diversion from court proceedings
- supervision and case management of youth on bail
- probation
- intensive support and supervision program orders
- supervision in the community
- conditional supervision
- reintegration leave from a youth custody centre
- preparation of reports for court and Crown Counsel
- community-based non-residential and residential programs.

Youth Forensic Psychiatric Services provides court-ordered and court-related assessment and treatment services for troubled youth.

Youth Custody Services are responsible for youth who are sentenced to spend time in open or secure custody, or are detained pending trial. There are 168 spaces for youth in three separate youth custody facilities in Victoria, Burnaby and Prince George.

Each facility has separate parts that are legally designated to serve as a place of open custody or secure custody. Youth in custody are also housed separately from adult populations, which is consistent with the YCJA and the United Nations *Convention on the Rights of the Child.* However, youth in local police lockups in some locations are still placed in proximity to adults.

A number of programs are available for youth in custody, ranging from specialized programs such as mental health and addictions counselling, to specialized education and community reintegration programs intended to lower the risk for youth to re-offend when they return to their community. In B.C., it costs up to $20,000 per year for each youth under community supervision and approximately $215,000 per year for each youth in custody.[23]

[23] Source: MCFD Youth Justice branch.

The introduction of the YCJA continued a trend that began around 1997, which dramatically reduced the use of custody and other court-ordered measures for youth offenders. The YCJA created a framework that encouraged a more rehabilitative approach towards youth involved in the youth justice system.

For many years, B.C. has had a rate of youth incarceration substantially below the average rate in most other provinces. The Canadian Centre for Justice Statistics reports that in 2007/08, B.C.'s youth incarceration rate was tied with Quebec for the lowest in the country. In B.C., youth custody average counts per day have dropped from a high of 400 youth in 1995 to 129 youth in 2007.

The number of Aboriginal youth in custody has also declined, but not to the extent of the non-Aboriginal youth in custody. However, the proportion of Aboriginal youth in custody has increased from 29 per cent in 2000/01 to 40 per cent in 2007/08.[24]

Strategies have been developed and action plans implemented to attempt to address and reduce the number of Aboriginal youth in custody, including research and consultation with the Aboriginal communities, staff training and services to promote Aboriginal cultural awareness and community re-integration. The Vancouver Coastal and Vancouver Island regions now have specialist Aboriginal liaison youth probation officers with capped caseloads.

The Victoria Youth Custody Centre opened in 2002, with a clinical services unit designed to provide more services to youth in custody with significant mental health needs. Other changes included substantially increasing intensive support and supervision services for young offenders to reduce the need for custodial sentences, and reintegration support and supervision for youth returning to the community following a custody sentence.

With the opening of the Burnaby Youth Custody Services Centre in 2007 (which replaced the former Willingdon Youth Detention Centre and also has a new clinical services unit) British Columbia now has fully modernized facilities for youth in custody. We note that these facilities integrate male and female youth. This remains an ongoing concern for the circumstances of female youth. Although the total number of female offenders is small, specialized programming must address their unique needs, often arising out of histories of sexual abuse.

[24] Source: MCFD Youth Justice Branch

There are also 24 full-time attendance program bed spaces available to treat youth with serious addictions problems. These 24 beds are part of a system of about 180 community residential beds (mostly family-based care) that are used as an alternative to detention or a custody sentence. Full-time day attendance programs have also been established as a community-based alternative to custody for youth.

British Columbia Youth Custody Services are now accredited and were the first youth custody service in North America to be accepted by the Council on Accreditation, an international, not-for-profit child and family service and behavioural health care accreditation organization.

While the community and youth custody settings are extremely important for young offenders, the first point of interaction for youth with the criminal justice system is through the police. Police relations with youth and their understanding of youth voices are critical to a fair and equitable youth justice system.

B.C. is one of only two provinces in Canada where Crown Counsel approves charges, rather than the police. Police in B.C. recommend to the Crown Counsel that charges be laid, and the Crown Counsel then decides whether to approve charges or to use alternative out-of-court options, such as a letter of caution or a formal diversion program. The two criteria which the Crown uses in B.C. when deciding if to proceed with charges are that there is the substantial likelihood of conviction (a higher standard than reasonable likelihood) and that prosecution is in the public interest.

Understanding Youth Crime Trends

In both Canada and Europe, youth crime rates have remained stable or declined somewhat in recent years.[25] The youth crime rate in Canada in 2006 was practically identical to the rate in 1986, which was 7,877 per 100,000.[26]

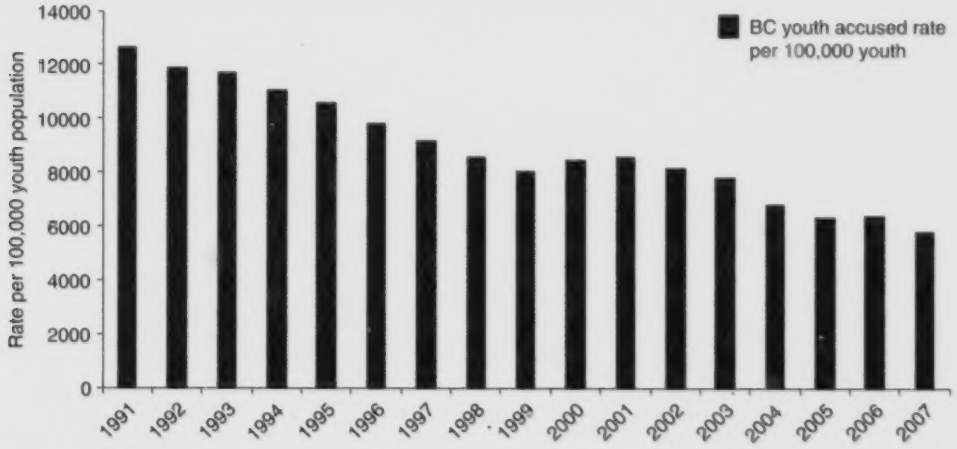
The reported rate of violent crime among youth in Canada more than doubled over the past two decades, but levelled off after 2001, and changed very little after the YCJA came into effect in 2003. The Canadian violent youth crime rate in 2006 was 1,528 per 100,000, which was four per cent higher than in 2002. Much of the increase in violent youth crime has been in the least serious category of common assault.[27]

[25] Source: Unpublished Literature Review undertaken for this study
[26] Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey
[27] http://www.statcan.gc.ca/pub/85-002-x2008003-eng.pdf

The Canadian rate of property crime among youth fell by about 40 per cent from 1986 to 1999, levelled off, and then continued to fall after 2003. Much of the decrease in reported property crime by youth was in thefts and burglaries. The decline in reported property crime, both before and after 2003, has been largely offset by an increase in other youth crime. This includes a wide variety of offences, but the majority are drug offences, (most of which are cannabis possession), administration of justice violations (such as not meeting bail and probation conditions), mischief and property damage.[28]

B.C. trends are different and more positive than the country as a whole. In this province, the rate of youths in contact with the police (both charged and dealt with informally) has declined from 86 per 1,000 youth in 1998, to 59 per 1,000 youth in 2007.[29] In addition, youths as a percentage of persons charged has steadily declined, from 18 per cent in 1998 to 10 per cent in 2007. Unlike the national trend which has shown increases, B.C.'s youth violent crime rate has also had a significant decrease, down 33 per cent from 1993 to 2006. Statistics Canada reports that B.C.'s youth crime rate[30] declined 54 per cent from 1991 to 2007.[31] It also reports that in 2007 B.C. had the second-lowest total youth crime rate and the second-lowest violent youth crime rate (behind Quebec) in the country.

Figure 1: British Columbia Youth Crime Rate, 1991 to 2007



[28] http://www.statcan.gc.ca/pub/85-002-x2008003-eng.pdf

[29] Based on the police contact rate, which is a combination of youth charged and not charged or informally diverted by the police. It is not the same as the youth crime rate. http://www.pssg.gov.bc.ca/police_services/publications/statistics/2007-crimestatistics.pdf.

[30] Youth crime rate includes youth, aged 12 to 17, accused of a criminal offence and formally charged, recommended to the Crown for charging by police or cleared by means other than the laying of a charge. Rates are calculated on the basis of 100,000 youth aged 12 to 17 in the population.

Section 3: Findings

Processes Used for the Study

The involvement of children and youth in care with the justice system was examined (with court approval for access to the records) by linking child in care administrative data held by MCFD with:

1) criminal justice and court services data held by the Ministry of Attorney General
2) adult corrections data held by the Ministry of Public Safety and Solicitor General
3) youth justice and forensic psychiatric data held by MCFD
4) education data held by the Ministry of Education (MoE)
5) income assistance data held by the Ministry of Housing and Social Development (MHSD, formerly the Ministry of Employment and Income Assistance).

The data was linked on name, gender and date of birth, as there is no common identifier among the different administrative data systems.

The majority of children and youth in care are categorized under two main categories: those who are made wards of MCFD through a continuing custody order and those who enter into temporary care. A third category of children who are out of the parental home is children and youth in the CIHR program.

Continuing custody means the government is the sole guardian of a child with all the rights, duties and responsibilities of a parent, and has the right to consent to the adoption of the child. (The Public Guardian and Trustee becomes the guardian of the child's estate.) Continuing custody does not usually end until the child turns 19 or is adopted.

Temporary care means the government has custody of the child on a time-limited basis and unless limited by the court carries out the responsibilities of a guardian except the right to an adoption.

The ***Child in Home of a Relative (CIHR) program*** provides financial support to relatives caring for a child placed in their home by their parents when the parents are unable to assume full responsibility for supporting the child.

Children can also enter care through ***voluntary agreements*** with parents.under either Section 6 or 7 of the *Child, Family and Community Service Act* (CFCSA). These agreements are time limited and intended to address specific situations of need, either on the part of the parent or the child. In these situations, parents retain most of the rights and responsibilities of guardianship but transfer day-to-day care and some functions to MCFD or a delegated Aboriginal agency.

Comparison populations were drawn from the general population and from the general Aboriginal population using MoE data as a base. The CIHR program was also used as a comparative population. The data used for this study came from when the CIHR program was the responsibility of the Ministry of Employment and Income Assistance, now known as the Ministry of Housing and Social Development (MHSD). Legal responsibility for the program was passed to MCFD in August 2008, however, the program continues to be administered by MHSD.

There is preliminary evidence that a high proportion of children and youth in the CIHR program are Aboriginal and have similar vulnerabilities to the children and youth in care population, including low graduation rates and low performance on early educational assessments.[32] Little is known about the maltreatment history of the CIHR group of children and youth. The Representative's Office has begun an audit of the CIHR program to better understand the screening procedures of this program.

Statistics were broken down by Aboriginal status, gender and care status to better understand the characteristics of this population. The methodology used to create this study population can be found in Appendix A.

The Study Population

Data on all 50,551 children born in 1986 who were attending school in B.C. in 1997/98 were studied for this review. All were 11 years of age by December 31, 1997.[33]

This group of children was chosen because formal involvement with the youth justice system begins at 12 years of age, so starting at 11 years of age allows the tracking of the trajectory of the group through the justice system. The year 1997 was the earliest date at which all of the data from each of the ministries was of sufficient quality to undertake a multi-system analysis.

Of the study group, 1,683 children (3.3 per cent) had been taken into care at some time. The children in care population included 548 children under a continuing custody order and 1,135 in temporary or other custody arrangements with MCFD.

There were 1,177 children (2.3 per cent of the group) in the CIHR program. Overall, 9.8 per cent of the group was identified as Aboriginal.

[32] Findings from an ancillary report to the Educational Outcomes of Children in Care report, titled *The Educational Outcomes of Child in the Home of a Relative (CIHR) – Preliminary Findings*, Representative for Children and Youth, 2007.

[33] Mortality was not accounted for at this time.

Overlap in Study Populations

Aboriginal Status

The study populations overlapped considerably. Over 14 per cent of Aboriginal youth had been in care, in contrast to just over two per cent of non-Aboriginal youth.

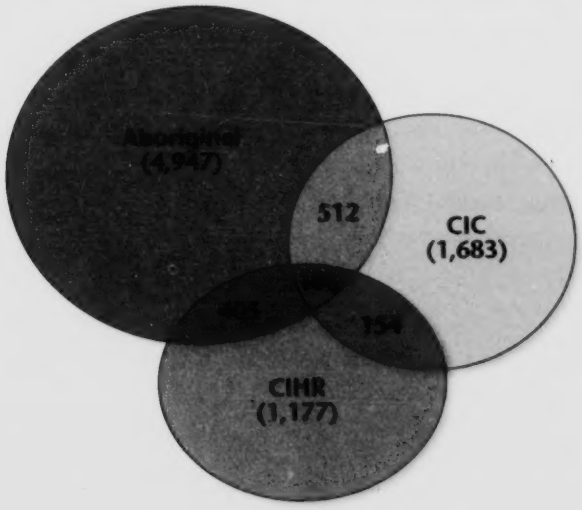
Similarly, nearly 12 per cent of Aboriginal youth had been in the CIHR program in contrast to just over one per cent of non-Aboriginal youth. A large number of children had been in both the CIHR program and in care. There were 186 Aboriginal youths who had been both in the CIHR program and in care. Overall, more than one in five (22.3 per cent) Aboriginal youths had either been in care, in the home of a relative, or both, in contrast to less than one in 30 (3.1 per cent) non-Aboriginal youth.

Children in Care and CIHR

Figure 2 shows a substantial overlap between the children in care and those in the CIHR program as well as the Aboriginal youth population; 41.5 per cent of children in care and just over 50 per cent of children in the CIHR program were Aboriginal.

A total of 340 children had been both in care and in the CIHR program at some time in their lives. Nearly 29 per cent of children in the CIHR program had also been in care and just over 20 per cent of children in care had also been in the CIHR program.

Figure 2: Study Group overlap between Aboriginal, Children in Care and Child in the Home of a Relative populations *



* Does not illustrate youth justice involvement. Above populations are not mutually exclusive.

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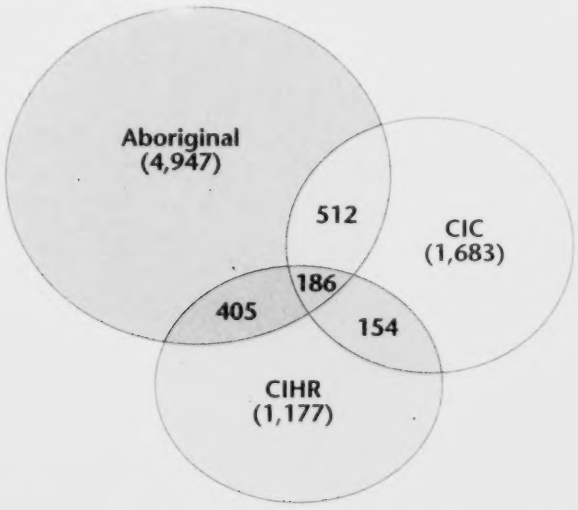

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Characteristics of Youth in the Justice System

For the purpose of this report, 'involvement with the youth justice system' means an individual having involvement with the justice system while between the ages 12–17, as of the date of the offence. This involvement could include being in a community setting through judicial interim release, alternative measures (diversion), or probation/ conditional sentencing, but does not include informal police diversion. It could also include being in an institutional setting such as lockup or remand or being sentenced to open or secure custody. The *Young Offenders Act* was in place for most of the time period examined in this study.[34]

The populations described in this study are not mutually exclusive. Children in care, children in the home of a relative, and Aboriginal children are considered separately in comparison to the general population. As illustrated in Figure 2, there are large overlaps between the populations. In B.C., in any given month, one in 10 Aboriginal children are not living in their parental home. Over time, children and youth may also go back and forth between various placements and home. For instance, a child could be taken into care temporarily and then later have the parent give authority to place the child into the care of a relative under the CIHR program.

Figure 3 shows that just over four per cent of youth in the study group had involvement with the youth justice system. Males (5.8 per cent) were nearly twice as likely to be involved with the youth justice system as females (2.9 per cent). Less than two per cent of youth in the group studied were diverted from the youth justice system through formal alternative measures, although it is known from police data that a large proportion of youth who come into contact with the police as suspects are informally diverted by police.

The most common outcome for these youth once they were formally involved with the youth justice system was to be sentenced to probation or receive a conditional sentence and be supervised in a community setting. Being incarcerated is regarded as the most serious outcome for youth. Less than one per cent of youth in the group were sentenced to open or secure custody.

[34] Local police lockup data not available, only data from lockups in youth custody centres.

Figure 3: Characteristics of study cohort

	Population	Male	Female
Cohort size	50,551	25,886	24,665
In care	3.3%	3.2%	3.5%
In CIHR	2.3%	2.2%	2.5%
Involvement with Youth Justice (12–17)	4.4%	5.8%	2.9%
Bail Supervision	1.9%	2.7%	1.1%
Alternative Measures	1.6%	1.9%	1.2%
Probation/Conditional Sentencing	2.5%	3.4%	1.5%
Lockup	0.5%	0.7%	0.3%
Remand	0.9%	1.2%	0.5%
Sentenced to open or secure custody	0.5%	0.8%	0.3%

The outcomes associated with children who became involved with the youth justice system were not good. Less than one-third of the children who became involved with the youth justice system (30 per cent) graduated from high school. Almost two-thirds (61.8 per cent) were identified with educational special needs. MoE defines students with special needs as those who have disabilities of an intellectual, physical, sensory, emotional or behavioural nature, or have a learning disability or have exceptional gifts or talents.[35] These categories are unique to the educational system and are used to provide directed educational resources for the special needs of its students.

The overlap with the child protection system was large, with over one-quarter (27 per cent) of those involved with the youth justice system also having been children in care. Similarly, 12 per cent of those involved with the youth justice system had also been in the CIHR program and two-thirds had been on income assistance either by themselves or with their families by the age of 19. Nearly one-third (31.4 per cent) of those in the youth justice system were Aboriginal.

Figure 4: Characteristics of youth involved with the youth justice system

	Population		Male		Female	
	n	%	n	%	n	%
Cohort Size	50,551	—	25,886	51%	24,665	49%
Involvement with YJ (12–17)	2,212	4.4%	1508	5.8%	704	2.9%
Aboriginal	694	31.4%	429	28.4%	265	37.6%
Educational Special Needs	1367	61.8%	966	64.1%	401	57.0%
Children in care	598	27.0%	365	24.2%	233	33.1%
CIHR	266	12.0%	171	11.3%	95	13.5%
On income assistance by age 19	1467	66.3%	970	64.3%	497	70.6%
High School Graduation Rate	664	30.0%	435	28.9%	229	32.5%
History of Violence	533	24.1%	431	28.6%	101	14.3%

[35] Ministry of Education, 2006

Being Charged in the Justice System

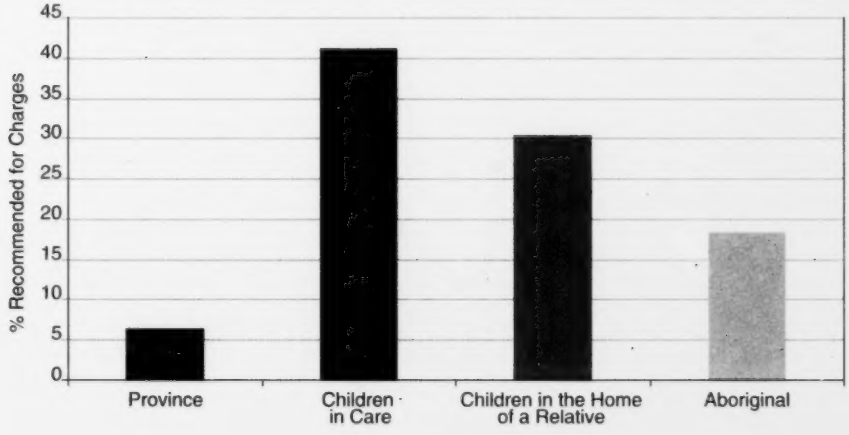
In B.C., after the police make an arrest and issue process (this includes an order to appear before the court, or the person is held in custody, etc.), the police prepare a Report to Crown Counsel that recommends to Crown Counsel that a person or persons be charged with an offence or offences.[36] When Crown Counsel receives this report from police, the Crown makes a decision whether to approve the person and the related allegations to court based on the Crown Charge Assessment policy.[37] If the person is approved to court, the Crown prepares the information (a charge) and the police agent swears the information before a judicial officer. It is at this point that the person is charged, and the court clerk sets the court dates.

A review of police files showed that approximately 41 per cent of the children and youth in the study group who spent some time in care were recommended for charges by the police, in contrast to just over six per cent of the general population.[38]

Just over 30 per cent of children in the CIHR program and 18.4 per cent of Aboriginal youth were recommended for charges. Overall, 28 per cent of youth where charges were recommended were Aboriginal.

Approximately one in two males and one in three females in care were recommended for charges as youths. In the general population, less than one in 10 males and less than one in 20 females were recommended for charges as youth.

Figure 5: Percentage of youth recommended for charges (12–17)[39]



[36] Police can also file an RCC in order to access formal diversion or extrajudicial sanctions.

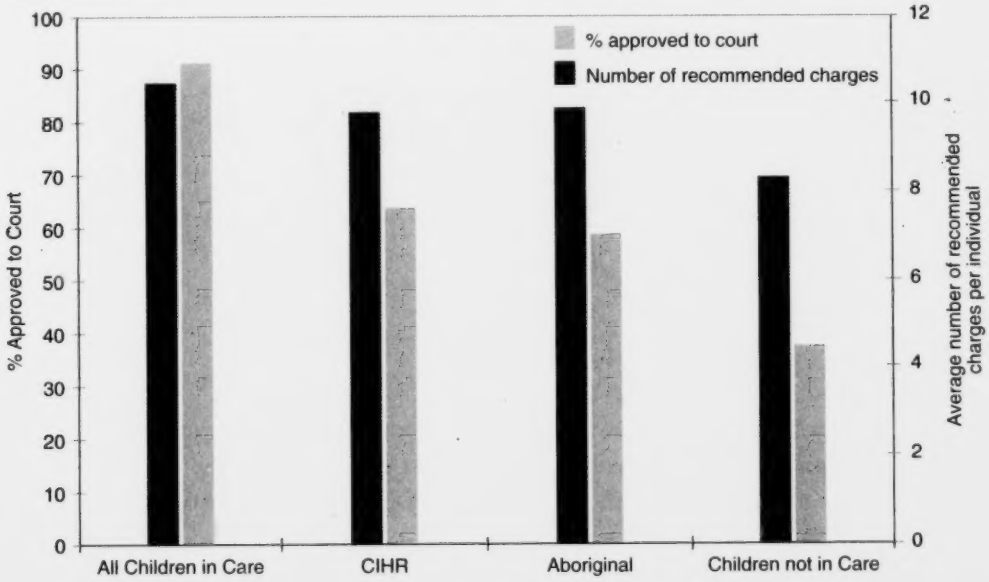
[37] The Crown may also decide to use non-court measures such as extrajudicial sanctions (formal diversion) or a letter of caution.

[38] The total number of recommended charges is likely to be overstated as these charges include 'included offences', for example, a youth would likely be charged with both theft and possession of stolen property for the same criminal act.

[39] Aboriginal number includes Aboriginal CIC/CIHR and Aboriginal non-CIC/CIHR.

Not only were police more likely to recommend charges for youth in care but they also recommended more charges per individual youth. On average, children or youth who were involved with the justice system were recommended for charges just over 10 times as youth, in contrast to 4.5 times for youths who were not in care.

Figure 6: Number of recommended charges by offence and percentage that were children in care

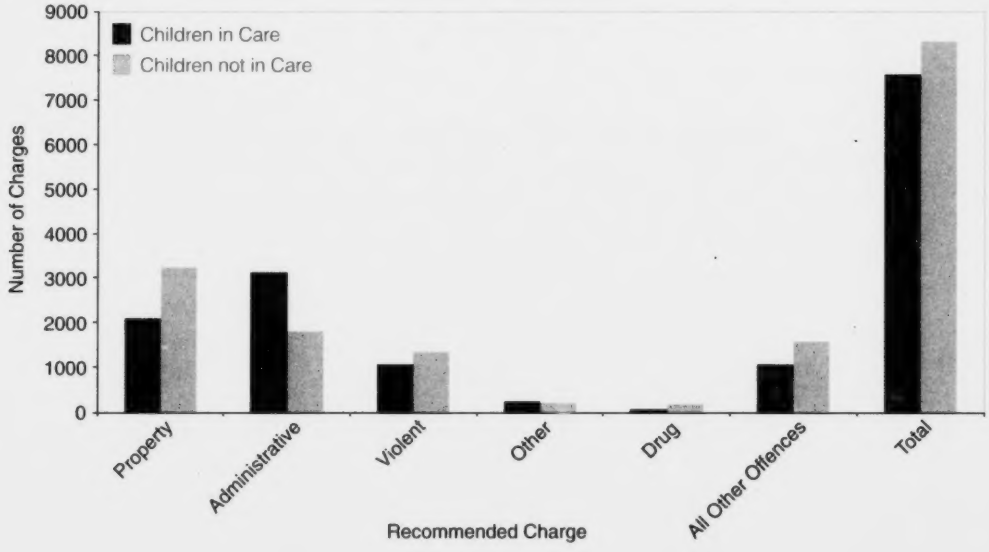


Youth in the group faced nearly 16,000 individual charges. Youth who had been in care accounted for almost half (48 per cent) of the recommended charges by Crown prosecutors. The most common recommended charge (41 per cent) involved administration of justice offences, including breaches of conditions of probation or conditional supervision, or bail conditions.

In contrast, fewer than 22 per cent of the recommended charges for children who had not been in care were for administration of justice offences, such as curfew violation or failing to report to a probation officer. Nearly two-thirds (63 per cent) of all administration of justice charges involved children who had been in care.

There has been considerable debate over the conditions of release given to youths by police, the Crown and the courts, and whether accountability or rehabilitation should be the primary decision-making principle. Over half of the charges that youth in care faced were for breaches of conditions, instead of more substantive charges. Breaches are commonly for violations of conditions such as curfews, staying away from certain areas of the community or from individuals, or not residing where required but may also include violations of conditions intended to be rehabilitative, such as requiring participation in counselling or a special program.

Figure 7: Number of recommended charges by offence



Over 36 per cent of youth in care in the study group appeared before the youth court, in contrast to less than five per cent of the general youth population. The numbers were also high for youth in the CIHR program (25 per cent) and for Aboriginal youth (15 per cent). Children in continuing custody had slightly higher rates of appearance in the youth courts (38 per cent) than those in temporary care (35 per cent). A higher proportion of male youth in continuing custody appeared in court, at 48 per cent. (See Appendix B.)

In general, male youth in care were eight times more likely than male youth in the general population to appear before the court, and female youth in care had a similar elevated risk at nine times that of females in the general population.

Youth in Care and the Justice System

Figure 8 shows nearly 36 per cent of youth in care had formal involvement with the youth justice system (this includes remand, lockup, alternative measures, bail supervision, probation and sentencing), in contrast to 4.4 per cent of the cohort group studied.

Approximately 41 per cent of children and youth in care had been involved with the justice system by the age of 21 in contrast to 6.6 per cent of the general population.

Figure 8: Percentage of involvement with the justice system

	Total	Youth Justice (age 12–17)	Justice (age 12–21)
Province	50,551	4.4%	6.6%
Male	25,886	5.8%	9.2%
Female	24,665	2.9%	3.9%
Children in Care	1,683	35.5%	40.8%
Male	827	44.1%	51.0%
Female	856	27.2%	30.8%
Continuing Custody	548	39.2%	44.9%
Male	279	47.3%	54.1%
Female	269	30.9%	35.3%
Temporary Care	1,135	33.7%	38.8%
Male	548	42.5%	49.5%
Female	587	25.6%	28.8%
Child in the Home of a Relative	1,177	22.6%	30.6%
Male	568	30.1%	40.1%
Female	609	15.6%	21.7%
Aboriginal	4,947	14.0%	19.5%
Male	2,469	17.4%	24.8%
Female	2,478	10.7%	14.2%

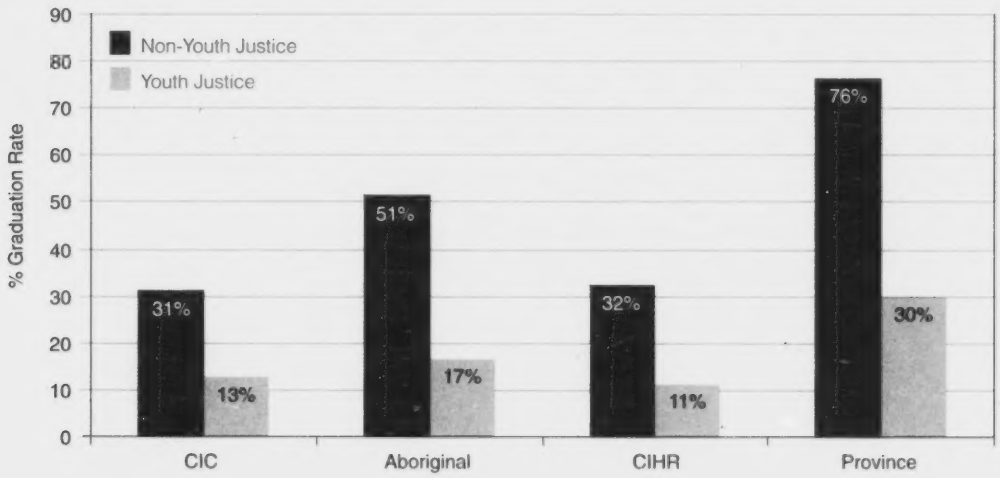
Education and Special Needs

Consistent evidence reveals an important connection between family problems, coming into care and having problems in school. Often these problems are followed by involvement in the youth justice system and then further school problems, such as poor school performance and dropping out of school. As noted in earlier joint reports, a high percentage of children and youth in care also have special needs in terms of learning skills and mental health needs.

The overall high school graduation rate for youth involved with the youth criminal justice system was 30 per cent. While the educational outcomes generally for those youths involved with the youth justice system were not good, they were particularly poor for youth in care or in CIHR.

The graduation rate for those children in care involved with the youth justice system was 13 per cent, in contrast to 31 per cent for children in care who had not been involved with the justice system. Aboriginal children and youth and youth from the CIHR program who were involved with the justice system had similar results, with only 17 per cent of Aboriginal youth involved with the youth justice system graduating and 11 per cent of youth in the CIHR program.

Figure 9: Graduation rate of those involved with the youth justice system



The first report in this series[40], by the Child and Youth Officer and the Provincial Health Officer, found that nearly two-thirds of children in continuing custody were diagnosed with a mental disorder at least once during childhood. Children in continuing custody were four times more likely than children in the general population to be diagnosed with

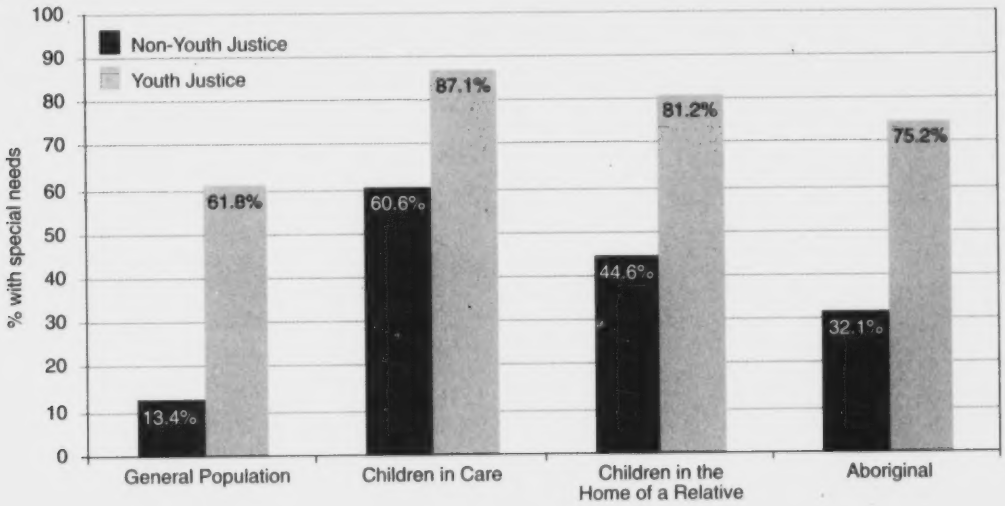
[40] *Health and well-being of children in care in British Columbia: Health Services Utilization and Mortality*, Provincial Health Officer and Child and Youth Officer (2006)

a mental disorder. The acute or crisis nature of the mental health profile was reflected by the finding that youth in care were 17 times more likely than the general population to be hospitalized for a mental disorder.

Eighty-seven per cent of children in care who were involved in the youth justice system were identified with special needs within the school system (excluding gifted), in contrast to 62 per cent of the general youth study population involved in the youth justice system.

For Aboriginal children who had been involved with the youth justice system, 75.2 per cent had been identified with educational special needs compared to 32.1 per cent of Aboriginal children with no youth justice involvement.

Figure 10: Percentage with educational special needs (excluding gifted) by study population



Although the high incidence of behaviour problems and mental health issues for children in care has been documented in the earlier joint reports on health and education outcomes, the prevalence of behavioural problems and mental illness among those children in care who have been involved with the youth justice system is striking.

In the cohort group studied in this report, almost 72 per cent of children in care involved with the youth justice system have been reported, within the school system, to have intensive behavioural problems or serious mental illness. For those who were not involved with the child protection or youth justice system, the incidence of intensive behaviour intervention/serious mental illness was 2.2 per cent.

Although rates of educational special needs such as learning disabilities appear lower within the children in care population, it is important to note that MoE only reports what it considers the child's most serious special need within a year, even though a child may have multiple special needs over time.

Figure 11: Educational special needs of children in care

Special Needs	Children in Care		Non-Children in Care	
	Youth Justice (n=598)	Non-Youth Justice (n=1,085)	Youth Justice (n=1,614)	Non-Youth Justice (n=47,254)
Intensive Behaviour Intervention/ Serious Mental Illness	71.9%	31.2%	27.2%	2.2%
Moderate Behaviour Support/ Mental Illness	39.0%	22.0%	32.5%	4.7%
Severe Learning Disabilities	7.7%	7.8%	7.9%	4.1%
Physical Disability/Chronic Health Impairment	4.0%	6.4%	1.1%	1.0%
Learning Disability	3.3%	5.1%	4.5%	3.4%
Mild Intellectual Disability	3.3%	4.8%	2.2%	0.9%
Moderate to Severe/Profound Intellectual Disability	1.3%	5.1%	0.6%	0.4%
Autism	0.5%	2.4%	0.1%	0.2%
Deaf or Hard of Hearing	0.5%	1.2%	0.4%	0.4%
Deaf/Blind	0.2%	0.2%	0.0%	0.0%
Visual Impairment	0.2%	0.1%	0.1%	0.1%
Physically Dependent	0.0%	2.6%	0.1%	0.1%
No identified special need	**12.4%**	**38.1%**	**44.8%**	**79.6%**
Gifted	**0.5%**	**1.8%**	**2.9%**	**8.4%**

(Note: the numbers in the above table are not mutually exclusive and may add up to greater than 100 per cent.)

Income Assistance

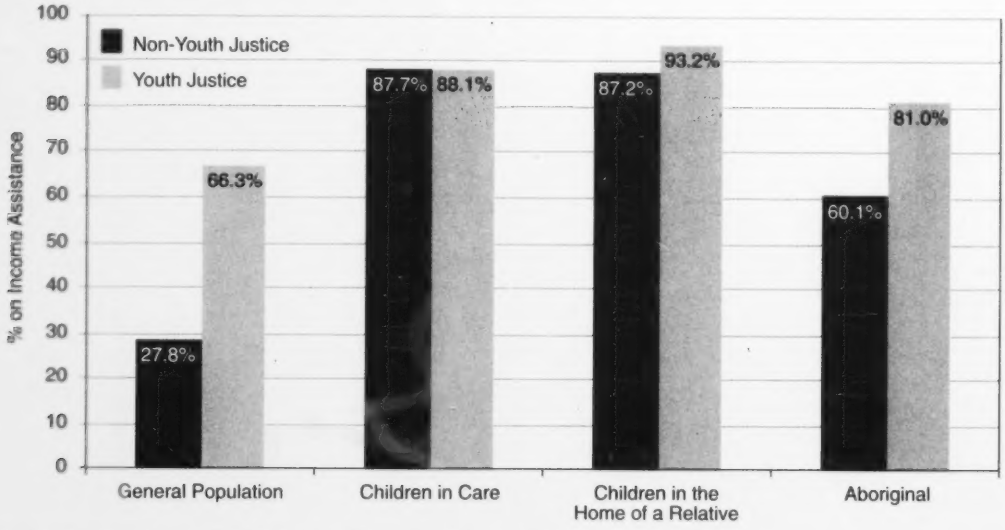
Many factors can impact a family negatively. Among them, poverty can impact the family in a manner that increases each of the risk factors (as described previously in the Background section) that lead to future involvement with the criminal justice system.[41]

Poverty is a significant risk factor that can impact the family in a manner that increases the probability of future involvement with the criminal justice or child welfare system.

More than 88 per cent of children in care received income assistance on their own or with their family before the age of 19. A similar percentage of children and youth in the CIHR program (88.5 per cent) came from families who received income assistance. The numbers were also high for Aboriginal children and youth, with 63 per cent on income assistance as youth.

Of the entire group of children in this study, almost one-third of the children received income assistance by the age of 19, either with their family or on their own. For those also involved with the youth justice system, that figure was much higher, at two-thirds.

Figure 12: Percentage on Income Assistance* by the age of 19



*excludes time spent as a Child in the Home of a Relative (CIHR)

[41] Source: Unpublished Literature Review undertaken for this study.

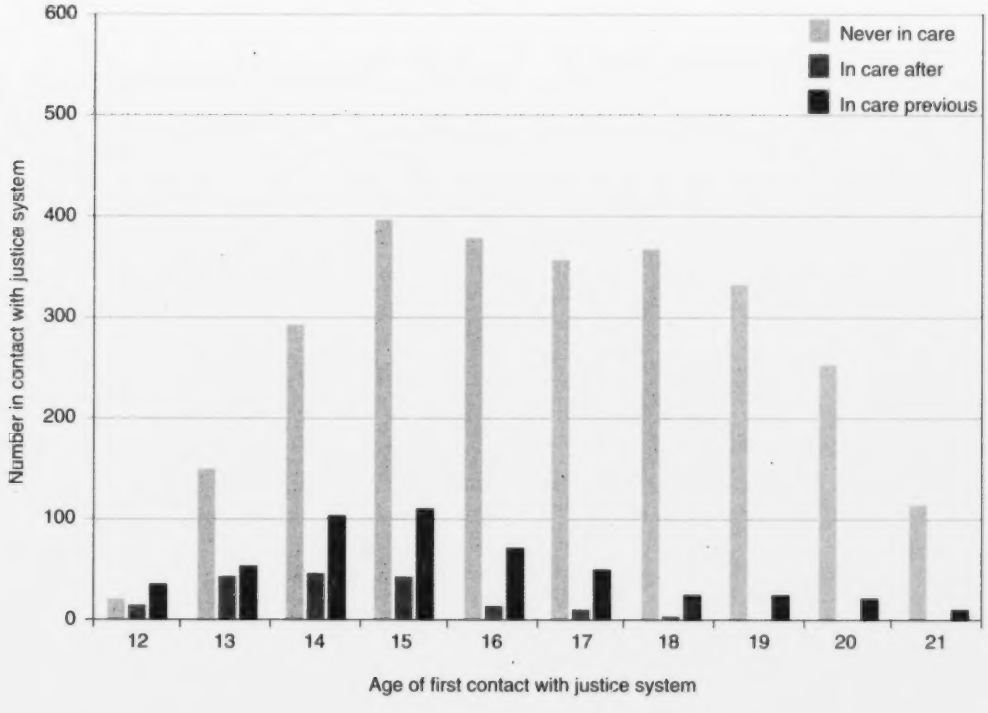
Age of First Offence

The earlier youth come into contact with the justice system, the higher the probability that they will become more frequent offenders.[42]

On average in this study, youth in care had their first contact with the youth justice system at an earlier age than youth who were not in care. The average age of first contact for youth in care was 14.5 years old in contrast to 15.3 years old for those youth not in care. Both Aboriginal youth and those youth in the CIHR program also had earlier first contact with the youth justice system at an average age of 14.92 years.

The majority (76 per cent) of children in care involved with the justice system were placed in care before they had their first formal involvement with the youth justice system. In addition, a further 14.6 per cent had their first contact with the youth justice system the same year they first came into care. Only 9.8 per cent went into care for the first time after having their first contact with the youth justice system.

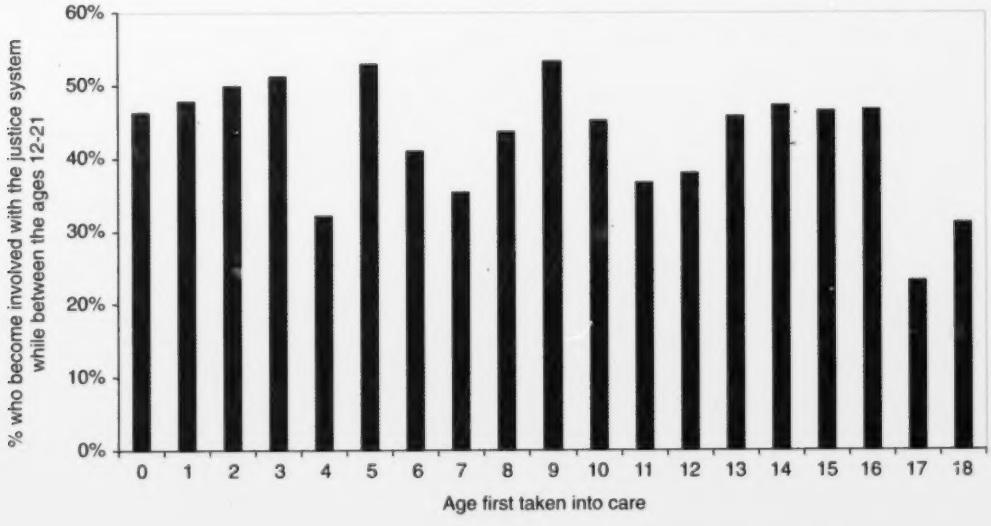
Figure 13: Percentage having contact with care system by age of first contact with the justice system



[42] Margo, 2008.

Figure 14 shows that regardless of the age that a child was first taken into care, a high percentage of these children became involved with the justice system between the ages of 12 to 21. Over 46 per cent of children taken into care as infants, between birth and their first birthday, had subsequent involvement with the justice system when they were between the ages of 12 to 21. Similarly, 48 per cent of children first taken into care at age one, and 50 per cent of children first taken into care at age two, had subsequent involvement with the justice system between the ages of 12 to 21. That percentage remains consistent for youth first taken into care between the ages of 13 to16.

Figure 14: Percentage of children in care who become involved with the youth justice system, from ages 12–21, by age at which they were first taken into care

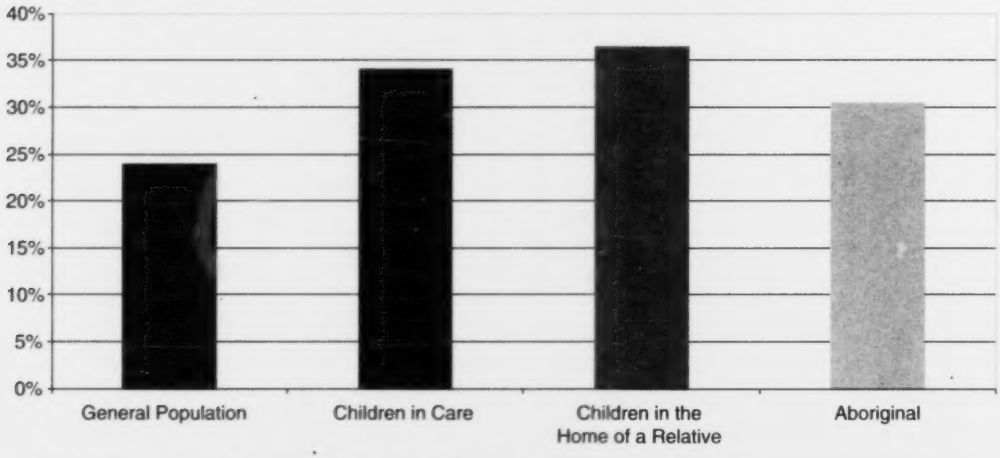

60%
50%
40%
30%
20%
10%
0%
% who become involved with the justice system while between the ages 12-21
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18
Age first taken into care

History of Violence

Youth who have been convicted of a violent crime (e.g., assault causing bodily harm, assault with a weapon, sexual assault causing bodily harm, etc.) are tracked within the justice system. Almost one-third of youth involved with the youth justice system with a history of violence had also been in care. Similarly, nearly one-third of children in care involved with the youth justice system had a history of violence, in contrast to less than one-fifth of youth from the general population who were involved with the youth justice system. Nearly one-third of youth in the CIHR program and one quarter of Aboriginal youth had higher incidences of violent history within the youth justice system as well.

Over 39 per cent of males in care in the youth justice system had a history of violence, in contrast to 22 per cent of males from the general population involved with the youth justice system.

Figure 15: Per cent of cohort group involved with the youth justice system with a history of violence



(Note: the numbers in the above table are not mutually exclusive and may add up to greater than 100 per cent.)

Types of Offences

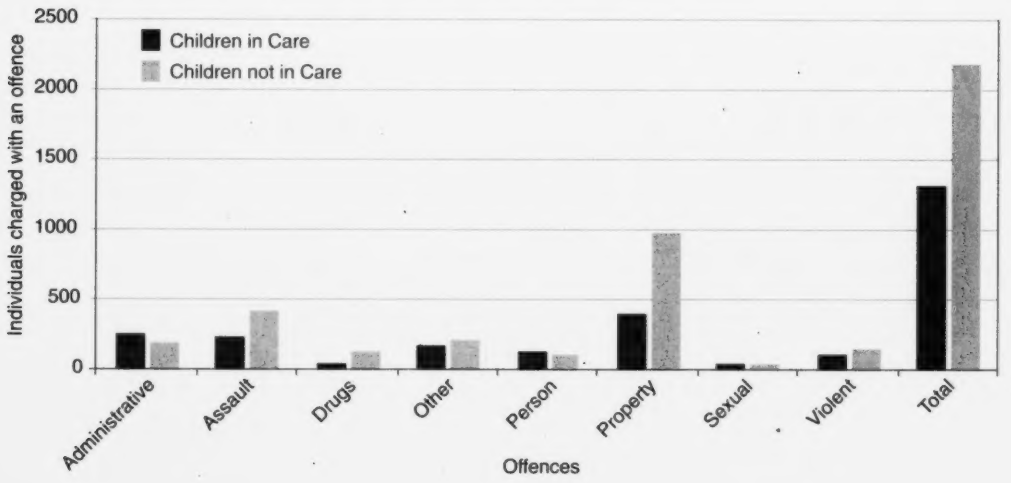
Children and youth in care had considerable involvement with the justice system. For almost every type of offence, a substantial number of youth charged were in care. The two most common offences that individuals were charged with were property related offences and assault. Over one-third of those charged with these offences were children or youth in care.

The third most common type of offence for youth in care were administration of justice offences, such as breaching bail supervision or probation conditions. Children in care constituted nearly half of youths charged with administration of justice offences. There is considerable controversy about the conditions imposed on youth by police (as conditions of release) and by the courts (as conditions of release or sentencing).

Over half of the charges for which youth in care subsequently ended up in court were for breaches of conditions from more substantive charges. It is debatable whether conditions should have accountability and public protection as their objectives, or whether they should be more focused on the well-being of the youth. Some conditions that are breached and subsequently the subject of charges can be perceived as being more youth-focused, or paternalistic in nature, such as attending school or other programs.

Youth in care were also either the majority or near majority of those charged with the most serious offences, including homicide, attempted murder, arson and sexual assault. It should be noted that these are very infrequently occurring offences.

Figure 16: Type of offences committed in the youth justice system



Sentences

Over 10 per cent of children or youth in care had been sentenced to secure or open custody by the age of 18, in contrast to only 0.5 per cent of the general study population.

For males in care, one in seven had been sentenced to secure or open custody in contrast to less than one in 100 males in the general study population.

In the cohort examined in this study, females in care were also much more likely to be sentenced to custody (6.3 per cent) in contrast to females in the general study population (0.3 per cent). Youth in the CIHR program also had a much higher prevalence of being incarcerated, at 3.9 per cent.

Aboriginal youth were five times more likely than youth in the general population to become incarcerated.

Figure 17: Sentenced to open or secure custody as youth (12–17)

	Sentenced to Open or Secure Custody (n)	Population (N)	% Sentenced to Custody
Province	**273**	**50551**	**0.5%**
Male	200	25886	0.8%
Female	73	24665	0.3%
Children in Care	**175**	**1683**	**10.4%**
Male	121	827	14.6%
Female	54	856	6.3%
Continuing Custody Order	**70**	**548**	**12.8%**
Male	45	279	16.1%
Female	25	269	9.3%
Temporary Custody	**105**	**1135**	**9.3%**
Male	76	548	13.9%
Female	29	587	4.9%
Child in the Home of a Relative	**46**	**1177**	**3.9%**
Male	33	568	5.8%
Female	13	609	2.1%
Aboriginal	**130**	**4947**	**2.6%**
Male	90	2469	3.6%
Female	40	2478	1.6%

(Note: the numbers in the above table are not mutually exclusive and may add up to greater than 100 per cent.)

Youth who are sentenced to custody have perhaps the poorest outcomes of any of the populations studied. Graduation rates in the group studied range from zero per cent for those in the CIHR program to 6.2 per cent for the general population who were sentenced to custody.

More than 90 per cent of youth in all populations in custody were identified with educational special needs. Overwhelmingly they received income assistance either by themselves or with their families by the age of 19 (from 82 per cent for the general population to 98 per cent for those in CIHR).

Figure 18: Characteristics of youth in study sentenced to custody

	Total	Graduation Rate		Income Assistance Rate		% with Educational Special Needs	
			%		%		%
Province	273	17	6.2%	224	82.1%	249	91.2%
Male	200	13	6.5%	160	80.0%	184	92.0%
Female	73	4	5.5%	64	87.7%	65	89.0%
Children in Care	175	10	5.7%	155	88.6%	166	94.9%
Male	121	8	6.6%	105	86.8%	116	95.9%
Female	54	2	3.7%	50	92.6%	50	92.6%
Continuing Custody Order	70	4	5.7%	62	88.6%	67	95.7%
Male	45	2	4.4%	39	86.7%	43	95.6%
Female	25	2	8.0%	23	92.0%	24	96.0%
Temporary Custody	105	6	5.7%	93	88.6%	99	94.3%
Male	76	6	7.9%	66	86.8%	73	96.1%
Female	29	0	0.0%	27	93.1%	26	89.7%
Child in the Home of a Relative	46	0	0.0%	45	97.8%	43	93.5%
Male	33	0	0.0%	32	97.0%	30	90.9%
Female	13	0	0.0%	13	100.0%	13	100.0%
Aboriginal	130	4	3.1%	110	84.6%	119	91.5%
Male	90	2	2.2%	74	82.2%	84	93.3%
Female	40	2	5.0%	36	90.0%	35	87.5%

(Note: the numbers in the above table are not mutually exclusive and may add up to greater than 100 per cent.)

Section 4: Analysis

This joint report and the Representative's previous reports about vulnerable children and youth highlight many of the same themes – the importance of positive social relationships, the need for consistent caregivers, and the importance of strong ties to school.

These are not new ideas. These themes have been noted in reports of a similar nature going back many years. Children's development is dependent upon the quality of relationships and environment they experience as they grow and develop. Many vulnerable children in this province do not have positive relationships with adults, their peers, or their schools. Many of them spend significant periods of their lives living away from their parents, being cared for by relatives or foster parents. These children need attachment to positive peer groups, to families who love and support them, and to learning environments in which they can and do thrive.

The majority of children out of the parental home show incredible resilience – an ability to not only rebound from life's hard knocks and challenges, but also to move on and do well despite having faced very adverse circumstances such as neglect, abuse, trauma and instability. This report confirms that despite such experiences, most of these children who lived out of the parental home never end up in jail. Unfortunately, however, there remain a considerable number of vulnerable youth who have involvement with the justice system.

B.C.'s reported youth crime rate has declined by 54 per cent between 1991 and 2007, while the violent youth crime decreased by 23 per cent during the same period. The reality is that B.C.'s youth crime rates are declining even though there are public misconceptions to the contrary, often fuelled by the high profile of relatively rare violent offences committed by troubled youth.

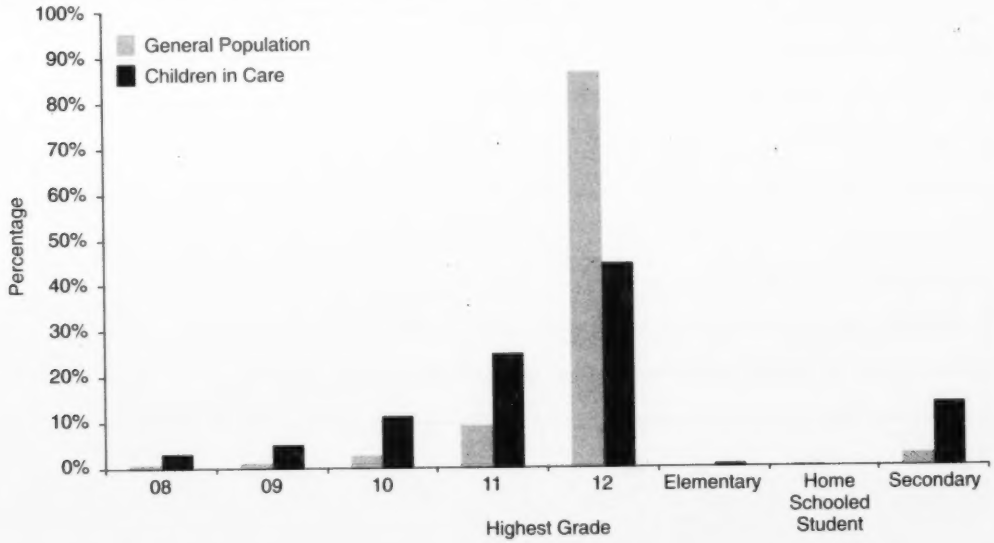
This is the third joint report which details the incredible turmoil in these children's lives. Previous reports show that children in care are behind their peers in educational attainment; they are twice as likely to not be ready for school and twice as likely not to meet provincial standards in reading, writing and numeracy. Their educational disadvantage starts early and is compounded throughout their time in school. Unfortunately, most do not graduate from school, as illustrated in the following charts from our last joint report on educational outcomes.[43]

[43] Figures 19 and 20 track the outcomes of a cohort of grade 1 students from 1991/92 through the school system.

Figure 19: Grade 1 cohort graduation rate[44]

Six Year Dogwood Completion Rate	Graduated Successfully	Cohort Base	Estimated Mobility Rate	Adjusted Cohort Base	Estimated Graduation Rate	Estimated Non-completion Rate
General population	31,927	45,739	10%	41,165	78%	22%
Children in care	270	1,401	5%	1,331	20%	80%

Figure 20: Highest grade attained by Grade 1 cohort[45]



These findings should cause us concern. What we are currently doing does not appear to be working for many of British Columbia's vulnerable children. We must explore new ways to focus on the needs of the child and prepare better paths for those children and youth who do not have successful outcomes. The well-being, safety and education outcomes society supports for these children is vital to the future social capital of British Columbia.

The B.C. government has initiated several projects to promote healthier child development, such as the creation of the plan 'Strong, Safe and Supported: A Commitment to B.C.'s Children and Youth'. This plan and the other projects underway are promising in their intent and goals but they need an integrated approach and appropriate evaluation tools to determine if they are or will be effective in contributing to positive outcomes for children, youth and their families. British Columbians must also know year to year and place to

[44] *Health and Well-Being of Children in Care in British Columbia: Education Experience and Outcomes* (2007) (Table 16, pg. 64)

[45] *Health and Well-Being of Children in Care in British Columbia: Education Experience and Outcomes* (2007) (Figure 29, pg. 63)

place whether the children living out of the parental home, such as those whose lives were considered in this Joint Report are receiving the support they require to grow, learn and achieve with their peers.

A Prevention and Intervention Strategy

We have an opportunity and an obligation to coordinate efforts at all levels by developing a framework for promoting the optimal development of children – from the womb through to adulthood. Such a framework could help guide the good work already under way and help identify and fill in gaps and lost opportunities to intervene with vulnerable children and youth. It should be coherent, seamless and address each stage of development. Although the early years are of critical importance, additionally there are many opportunities throughout a child's life to positively influence their development and outcomes. Adolescence and the transition to adulthood are critical times where the right kind of support can make a difference for a troubled youth.

There are programs and approaches that are being successfully piloted and used in other jurisdictions which could serve as useful guides for B.C. In particular, the approach used by the federal government in its recent policy paper on Fetal Alcohol Spectrum Disorder (FASD) offers a useful way of characterizing and planning services. Because FASD prevention is an important element in a continuum of services, the strategy is reproduced below as an example of how a carefully designed and specific framework can be operationalized:

Levels of Prevention

- **First level** – raising public awareness through campaigns and other broad strategies. Closely linked to public awareness/social marketing, campaigns can be public policy and health promotion activities that are supportive of girls' and women's health. Engagement and involvement of a broad range of people at the community level is key to advancing social support and social change.
- **Second level** – gives girls and women of childbearing years the opportunity for safe discussion of pregnancy, alcohol use, and related issues, with support networks and healthcare providers.
- **Third level** – specifically provides specialized recovery and support services, culturally specific and accessible for women with alcohol problems and mental health concerns. Services are needed not only for pregnant women, but also before pregnancy and throughout childbearing years.

- **Fourth level** – supporting new mothers to maintain healthy changes they have made during pregnancy. Postpartum support for mothers who were not able to make significant changes in their substance use during pregnancy is also vital. Assists them to continue to improve their health and social support, and the health of their children. Early interventions for children who potentially have FASD are also important at this stage.[46]

The Representative for Children and Youth and the Provincial Health Officer both believe this approach provides a sound basis for sorting out the points of intervention, and locates prevention and intervention activities more concretely within the array of needed services. We recognize that new programs are expensive and that services offered in one place may not always fit with our experiences in B.C. However, careful analysis and piloting will reveal those which have merit and could be implemented here.

In order to develop such an approach, the Province should bring together those with shared responsibility for children and youth with a primary goal of improving the lives of our children and youth through accurately describing and tracking a set of desired outcomes and then measuring the efficacy of efforts to allow them to reach their full potential. For vulnerable children especially, a central goal should be to build resilience and reduce their risk for future criminal behaviour. Identifying the specific programs to address such outcomes, many of which will already exist, and their links to each other along a continuum of services will be an important first step in identifying whether the service array is robust and complete.

Within this recommended approach, there must be two critical components – child and family development strategies and strategies set within the school setting. While there will be costs involved in addressing these issues, there will be long-term social and economic benefits to this investment in our future. Our objective must be to provide sufficient support to allow each child to grow into a healthy, productive adult rather than one who will impose long-term costs on our social service, criminal justice and mental health systems.

There is a growing body of evidence that suggests that intervening as early as possible with at-risk mothers-to-be, at-risk families and families with anti-social children, is beneficial to promoting healthy child development and has long-term social and economic benefits. Early, supportive intervention can help parents take care of their children while reducing a child's later criminal involvement, and improving their educational achievement and employability options. These interventions need to be focused on parent, family and caregiver training. Interventions with young children and parents need to address social development as well as academic preparation so children have a more successful transition into school.

[46] http://www.phac-aspc.gc.ca/fasd-etcaf/cp-pc-eng.php#intro2

Selecting Effective Interventions

Investigating interventions for childhood anti-social behaviour clearly demonstrates that multiple risk factors, their relationships with one another, and their complexity pose important challenges for implementing appropriate, effective interventions.

It is important to understand the risk factors predictive of anti-social and criminal behaviour, because these factors become the targets for change in early intervention and prevention programming. The risk factors can be grouped as:

- **Individual factors** such as difficult temperament, impulsive behaviour, Attention-Deficit-Hyperactivity Disorder, aggression, substance abuse, early-onset of disruptive behaviour
- **Family/home factors** such as teenage pregnancy /motherhood, smoking during pregnancy, maternal depression, low maternal attachment to child, poorly educated mother, unemployed parent, low socio-economic status, poor child rearing practices, parental abuse or neglect of the child, parental substance abuse, parental criminal behaviour
- **School environmental factors** such as poor academic performance, low school motivation, low educational aspirations, weak attachment to school, poorly organized and/or dysfunctional schools
- **Peer factors** such as rejection by peers, association with deviant or delinquent peers or siblings
- **Community environmental factors** such as neighbourhood disadvantage and poverty, neighbourhoods with little sense of community and connection, and media portrayal of violence.

As children and youth move through the biological, intellectual, social and emotional stages that are part of growing up, they are also faced with difficult transition periods in school.

School experiences play a critical role in the development of a child. The school setting can be an important place of stability, where the foundation is set for future social and economic success. Within the school setting, many important relationships with teachers, principals and peers can be built that increase school connectedness and engagement in positive social activities.

Many children do not have positive school experiences, especially children and youth in care. Research has shown that children who are connected and engaged in school and have positive social relationships have better outcomes than those children who do not. Better outcomes can include things such as less involvement in crime, increased high school graduation rates, fewer youth living on the streets, and improved health overall.

Schools have the opportunity to build on children's strengths and minimize their risks, but they cannot do this without the support of families and community and adequate resources and policies. Some jurisdictions have identified objectives, set clear and enforceable standards, and normed better outcomes for vulnerable children. British Columbia must follow suit.

The education system needs to build strong school connectedness and work hard to reduce dropout rates and keep children in school. This is especially important for children with problematic behaviours. Expelling these children decreases their connectedness, and increases the risks of them engaging in negative activities outside the school. Children who are suspended or expelled need to be supported in furthering their education and diverted from criminal activities and other adverse outcomes. They need a way back into the classroom and supports to address their behaviour issues.

This report and our previous report, *Health and Well-Being of Children in Care in British Columbia: Educational Experiences and Outcomes*, clearly show the disparity in educational outcomes for vulnerable and disadvantaged youth. A modern civil society must be intent on helping these young people do better. It is simply not acceptable that high school graduation, a key pathway to adult well-being, is often an unattainable dream for young people served by either the youth justice or child welfare systems. The circumstances of these young people are usually well known by service providers long before they reach the age of criminal responsibility at twelve years of age. Yet, the educational outcomes seem fixed before high school – a trajectory that so often leads out of school and into trouble.

We are particularly concerned by our finding of the high rates of youth with educational special needs in our youth justice study. For every category of out-of-home care, educational special needs were significantly higher than for the general population, and particularly so for those youth involved with the youth justice system. Whether these are cognitive impairments which place a child at risk, or behaviour challenges arising from abuse and maltreatment, dedicated attention is required to support these children. Strong and effective school based-programming is needed to ensure their engagement, progress and optimal development.

Models to support the educational special needs of this highly vulnerable group should be reviewed to ensure that funding is consistent with need. We do note that better tracking of vulnerable children, and supports to them and their schools and caregivers, is required as all children out of the parental home, including Children in the Home of a Relative participants, display significant elevated risk for criminal justice involvement and poor school performance. We identified school moves in our previous report on educational outcomes for children in care and are pleased that MCFD and the Ministry of Education are working on data specific to children in care and school moves, in order to create information that can both inform policy and track improvements.

For children and youth in care, it is absolutely imperative that the Province, as 'parent', act as any kind and judicious parent would – by ensuring that our children receive optimal educational opportunities and support. This may mean the provision of additional educational services or assessments to strengthen school performance. It should mean that every child in the temporary or continuing custody of the Province have an individual educational plan that reflects the special and unique circumstances of that child. Finally, it should also mean that every school assign one person to assume responsibility for the implementation, monitoring and regular updating of these plans.

Proven and promising interventions are critical components of a child and youth development framework. Essential interventions are those which

- build resiliency
- reinforce empathy
- increase school connectedness
- motivate learning, and
- encourage acceptance of diversity.

Schools must be more than a place for teachers and principals to impart learning. They must also be a place to strengthen family and community cohesion, and allow each individual to grow to their fullest potential. Increasing the involvement of vulnerable children and youth in after-school activities such as sports and cultural activities will help keep them attached to their school environment and more motivated to graduate from school.

Hearing the Voices of Children and Youth

Caring and capable parents are interested and involved in the well-being of their children, wanting to know they are doing well and in stable, positive relationships and living arrangements. Committed parents also want to know when their children are having problems, especially if they get into trouble with the law.

Usually, parents in the broader community do not keep detailed records of their children's lives. They don't need to – the details are part of their everyday lives, in photo albums, memories, family stories, boxes of report cards and art projects.

When a child or youth is in care, the Province has an extra duty of care that requires detailed, accurate record-keeping, with an attention to detail that reflects the reality that many children and youth in care will have multiple guardians during their childhood.

Under these circumstances, continuity of planning is essential. Where children and youth start to demonstrate anti-social or criminal behaviour, early intervention and focus may help to halt this conduct.

Listening to the voices of children and youth in care is vital. Like parents, MCFD may not like some of what it hears from the children in its care. But, like parents in the community, failing to listen and understand the views of youth in care leads to peril. Section 2, 4 and 70 of the *Child, Family and Community Service Act* all speak to the necessity of involving young people in decisions that affect them.

Article 12 of the UN *Convention on the Rights of the Child* further enshrines the right to be heard. While it is best to ensure these rights are honoured at the level of the individual, taking the temperature of the broader child population is essential for policy makers and senior managers, who are often far removed from the practical day-to-day lives of children and youth. These voices certainly need to be heard by the judges administering the *Youth Criminal Justice Act* so that respect is given to their views. Others playing a role in their young lives must also respect this right to be heard.

Paying attention to the overall impressions of children and youth about the system that cares for them is an invaluable aid to developing more effective policies. This must be combined with careful monitoring and support for their progress in school and in positive social activities along with specific supports for their mental or physical health needs.

Keeping Aboriginal Children Safe and Well

In many ways, this report is about Aboriginal children and youth. Sadly, too many spend significant time out of the parental home and involved with the justice system. More than one in five Aboriginal youth in the cohort examined in this study had either been in care, in the home of a relative, or both. This is a stark contrast to less than one in 30 non-Aboriginal youth who have lived outside the parental home. We need to find effective strategies to help Aboriginal children and youth develop positive attachments to their culture, language and community. As well, stable supports with families or caregivers are essential. Aboriginal children in care are living throughout British Columbia and those supports need to be both within First Nations communities as well as in all communities in B.C. We need to help strengthen Aboriginal families and intervene with those struggling with prior trauma, mental health or addictions issues. We need to ensure those supports are equally available off-reserve as the reality is that most Aboriginal children live off-reserve.

In April 2006, the Honourable Ted Hughes, QC, released his review of B.C.'s child protection system. In his review report, Mr. Hughes said:

> *The challenge facing us all is to reduce the number of Aboriginal children who are at risk of harm by finding ways to make sure their families and communities are in a position to keep their children safe and well. It seems clear by now that the answers do not lie wholly, or evenly mainly, in the child protection system. Rather, the solutions lie in building strong, economically viable and culturally robust communities.*

Mr. Hughes also notes that "Aboriginal children living in traditional communities benefit from a rich network of family and community relationships that offer support and also an expectation of behaviour." Strengthening these connections for Aboriginal children and youth may help discourage them from engaging in criminal behaviour and coming into contact with the youth justice system. The well-being of Aboriginal children and youth must be an utmost priority and shared responsibility of individuals, families, communities, Aboriginal leaders and the Province. Specific action is urgently required to make this a social policy priority for everyone.

A renewed focus on supporting better developmental circumstances for Aboriginal children and improving their outcomes is needed. Stronger practices to support traditional culture, language, and social attachment to community are vital.

Given what we know about the demographics of Aboriginal families and the predominance of younger mothers, often parenting alone, with comparatively larger numbers of dependent children, we need to continue to search for ways to provide effective prenatal supports and parenting programming. To reconnect the children to culture and community will also require reconnecting young mothers and fathers to those communities. As well, there must be greater recognition of the great diversity in the composition of these families. Many are several generations removed from their communities of origin.

Aboriginal communities express a strong desire to engage in these activities of reconnection and support, yet the level of support for their programs and services is far from adequate to meet the needs observed. They have also made a strong focus on performance and education outcomes a touchstone of their approach, and must be supported in ensuring that resources and efforts actually result in improvements.

Government and the pertinent ministries do not appear to have formal consultation or engagement policies with First Nations, but rather decide on a specific case basis if they will engage First Nations. The leadership is clearly reaching out to First Nations but the policy footing to guide those processes is evolving. The stability and dedication to remain focused on the children's outcomes must be enhanced for success. The Ministry of Education appears to be leading here as coordination of education jurisdiction, reciprocal funding arrangements, and education enhancement agreement processes demonstrate good and stable consensus on building better supports for Aboriginal children. However, whether the performance of those children will be monitored and reported on regardless of where they are educated is somewhat uncertain at this point.

Section 5: Recommendations

This report again underscores all-too-familiar issues – lack of planning, inconsistent use of assessments, lack of focus, and inability to monitor. Better outcomes for children require a much higher degree of coordination, focus and accountability. British Columbia must work with greater urgency on the education outcomes for the vulnerable children at risk of involvement in the criminal justice system, to support good development outcomes, but also in the interests of public safety, security and a cohesive society.

A year in the life of a child is a very long time. Each year that passes without essential yet basic improvements to our child-serving system means more B.C. youth veer off onto paths of unmet potential and troubling futures. Progress on recommendations made in our previous joint report on education outcomes has been very slow and inadequate given the magnitude of the problem.

Some youth enter care because of their involvement with the youth justice system, while others are already in care and then engage in criminal activity. Such distinctions do not alter the special relationship of trust and responsibility placed on the Province. This special relationship, of being 'the parent' entrusted with shaping the futures of these vulnerable youth, demands more careful assessments, so that plans of care reflect not only the past experiences of these children and youth, but their future potential.

In each of the following recommendations, it is imperative that ministries, organizations and Aboriginal governments identify specifically how they will address the Aboriginal youth they are serving. This goes beyond mere counting. It goes to the very heart of the development of a new relationship with First Nations communities. Government must find ways to respectfully work with Aboriginal communities to address the conditions that lead to over-representation of Aboriginal youth in the areas that can so negatively change their paths and ultimately their lives – participation in youth justice, entry to child welfare, low high school graduation, and poor health.

Stability

In our advocacy work with young people and their families, issues of stability in guardianship are very common. Living arrangements must be stable with consistent, qualified caregivers able to respond appropriately to the youths placed with them.
Our analysis reveals that children living out of the parental home are more likely to be recommended for charges than children in the general population. Does this mean that the youth justice system is being used to reinforce disciplinary measures in foster home or other placements? It is not within the scope of this review to definitively answer this, but a kind and judicious parent would surely want to know. Available data on moves in care remains inadequate. Existing policies and practice are clearly deficient in promoting stability and appropriate caregiving supports for vulnerable children, especially for Aboriginal children.

Research shows that some children who appear to be resilient to early trauma and prenatal damage experience onset of mental health and behavioural problems at adolescence, which can cause conflict and instability within a home placement. It is critically important to the stability of the child that caregivers be provided with training, supports and resources to build attachment, as they stabilize and overcome the mental health and behavioural problems of the child or youth in their care.

Merely issuing directives from government or ministry headquarters will not address most of the issues we have identified. In many cases, it is not policies that are lacking but sufficient will to act at the local level, sometimes combined with insufficient attention to the actual practice within organizations. The following seven recommendations are intended to specifically address and improve the day-to day lives of vulnerable children.

Recommendation 1

That whenever a child or youth in care or in the CIHR program has more than three changes in placement outside of the parental home within one 12-month period, a report is made to the Regional Director of Integrated Practice.

Detail:

- This recommendation to be followed up with a detailed implementation plan by MCFD by October 30, 2009.
- Each subsequent move for a child must be similarly documented.
- Reports to be submitted to the Regional Director of Integrated Practice within one week in the case of unplanned moves, and as far in advance as possible in the case of planned moves.
- A process for tracking moves of children in the CIHR program be developed by October 30, 2009.
- Aggregate reports of moves in care to be submitted to the Representative quarterly, beginning January 1, 2010.
- The Representative will publish annual summaries of moves in care by MCFD region.
- MCFD must report annually on this to ensure corporate attention to compliance and accountability within its quality assurance program.

Recommendation 2

That MCFD revise existing policies and practices to ensure that specialized training, appropriate supports and resources are available to foster parents and adoptive parents, to support and care for children with mental health and behavioural issues.

Detail:

- MCFD to publicly report on these enhancements by October 30, 2009.
- Detailed implementation plans for introducing new policy, training and supports should be in place by November 15, 2009.
- Training curriculum and resources need to be developed in partnership with delegated Aboriginal agencies, BC Federation of Foster Parent Associations, existing foster parent support groups and mental health professionals.
- Critical incident reports and calls for assistance should be monitored by MCFD on a continuing basis to determine whether changes to the training or support program are required.

Contact With Youth Justice System

The data presented in this report clearly establishes that children in care in British Columbia experience much higher rates of being charged than other youth, and are much more likely to end up in custody. This is a cause for concern, as youth who are incarcerated are at a greater risk of developing negative social attitudes and undesirable contacts, and may be stigmatized after their release. Although there are many reasons for youth in care having higher charge rates, there is a concern that some of these youth may be charged in situations where youth living with their families would not be charged, or that youth in care may suffer from the absence of parental advocacy once they are in the justice system. We are also concerned over the number of charges arising from caregiving arrangements (i.e., common assault charges laid due to inappropriate placements or where police are called to remove a child as a substitute for appropriate community resources when the caregivers are not able to meet the child's needs).

The data also shows that the offences which children in care in British Columbia are most often charged relate to administration of justice charges, for such matters as failure to attend court, and breach of bail or probation. Youth in care need better support and supervision to help them comply with court orders. There is also a concern that in some cases involving youth in care, there may be conditions of judicial interim release or probation that are imposed to achieve desirable social objectives rather than to protect the public or hold offenders accountable. Efforts must be made at all levels to reduce the number of administration of justice offence charges for youth in care.

Recommendation 3

That upon each new occurrence of a youth in care having involvement with the youth justice system, including police, the youth's plan of care be reviewed within 30 days with youth justice professionals and service providers, and modified as required to address the criminal behaviour.

Detail:

- Such plans should subsequently be reviewed every three months, to ensure that appropriate follow-up support and action are in place.
- Regional Directors of Integrated Practice to review plans of care to ensure that services provided to the young person are appropriate to their circumstances.
- Standards for planning for children be reviewed by September 15, 2009, to ensure that there is an enhanced focus on responding to the issues raised in this report.
- The MCFD audit program be revised to ensure that youth justice involvement is accurately tracked. An audit plan to be in place by October 30, 2009.
- MCFD should report publicly on compliance with the plan of care standards. Such reporting to be posted within one month of completion of each audit and related follow-up activity.
- MCFD must develop data linking mechanisms to be able to gather data and monitor on a regular basis the involvement of children in care with the criminal justice system.
- Quarterly reports of child in care involvement with the criminal justice system should be provided to the Representative for Children and Youth, beginning January 1, 2010.
- The Representative will annually report on the number and nature of charges for youth in care.

Recommendation 4

That the Ministries of Attorney General and Public Safety and Solicitor General examine policies and practices to ensure that youth in care are not being charged in situations where adolescents living with their families would not be charged.

Detail:

- A report on charge policy for children in care to be provided to the Representative by September 15, 2009.
- Prosecutors, police and the judiciary to receive training and effective information regarding the needs and circumstances of children living out of the parental home.
- Support for training for police, prosecutors and the judiciary must be through appropriate engagements with leads in these areas, including Chiefs of Police, Criminal Justice Branch, the Chief Judge of the Provincial Court as well as the Chief Justices of the Superior and Appeal Courts.
- The objective of training is to better understand the circumstances of vulnerable youth in British Columbia and how the criminal and civil justice system impact their lives.

Education

The following recommendation by itself will not automatically lead to improved school attachment and attainment, but overall will lead to an increased positive focus on this extremely vulnerable group. This report clearly shows that those young people most likely to become involved with the youth justice system are also most likely to become detached from school, to have poor educational outcomes and to have multiple special needs.

Increased attention to the details around each child in care's school experience is needed. This is not the same as existing Individual Education Plans (IEPs). The detailed planning and on-going focus for each child in care must be specific to *all* of the components of a child's education, including attendance, lates, extra-curricular activities, sports, clubs, etc. This enhanced planning for children in care will help ensure a continuous, broad view of the child's life at school – just like any parent in the community would do. The success of this detailed monitoring and planning will require regular discussions with the child-in-care's social worker or guardianship person.

Parents in the community participate in 'big picture' planning for their children's education, but are not expected to manage their daily classroom achievement. For these vulnerable children and youth, the Province as responsible parent must get more involved in ensuring they stay in school and graduate. Having education professionals overseeing the school performance and engagement of each child in care, as is the case in the United Kingdom, places the practice responsibility where the professional experience lies, rather than with a social worker or person responsible for guardianship.

Recommendation 5

That every school in British Columbia assign a single staff person to oversee education planning, monitoring and attainments of the children in care that attend their school. This function should be in place and functioning by September 2009.

Detail:

- The Ministry of Education to revise its policy for Boards of Education to make this expectation explicit by June 30, 2009.
- Boards of Education to develop detailed implementation plans by October 30, 2009.
- Boards of Education to publicly report on compliance with this new standard by December 1, 2009.
- The Ministry of Education to provide a report to the Representative by December 15, 2009 on provincial compliance.
- Superintendents of Achievement should be assigned responsibility to review the levels of attainment of children out of the parental home and work to identify supports required to see progress for children is at grade level.
- A process for ensuring that education planning for children and youth in the CIHR program, and those on Youth Agreements, be included in this initiative. Process to be implemented in time for the September 2010 school year start.

Youth Justice Leadership

The factors that have lead to the relative success of British Columbia's youth justice system need to continue to be nurtured. Strong investment in rehabilitation, pro-social supports, and a focus on child development are commendable and have been accomplished over at least two decades of genuine leadership and professional public service anchored in evidence-based approaches.

Youth Justice is a unique program that operates under federal legislation, yet is administered by three different provincial ministries. Youth justice requires a dedicated advocate and experienced leader to ensure that the needs of the vulnerable youth in

the justice system are met within this complicated setting, and that positive trends in the youth justice system continue. It is essential that a lead senior executive be tasked with maintaining a focus on the well-being and safety of children, with a foundation in child development and outcomes, and that the lead executive provide government-wide support, as well as participate at the federal level in policy discussions.

This serves government-wide interests in a strong system consistent with the legal rights of youth and the state's responsibility to ensure their development continues given their immaturity. The lead executive must have the seniority and support to ensure that resources are directed at rehabilitation and education supports for children and youth in contact with the criminal justice system to reduce their risk of future offending and promote public safety. This role must allow for system-wide accountability for the outcomes achieved for vulnerable children in the criminal justice system as well as assisting in advocating for the welfare of British Columbia's children when federal changes are contemplated.

Recommendation 6

That MCFD publicly commits to ensuring that youth justice continues to have provincial leadership with executive representation by an Assistant Deputy Minister.

Detail:

- The Deputy Minister of MCFD to provide confirmation of this commitment by May 31, 2009.

Supports to Families

We believe that a focused cross-Ministry approach is needed – one that addresses the life course from conception through to adulthood. Such a plan should be based on the best research evidence available about programs and should address both the risk factors identified above, as well as the treatment and service needs of families who may be having difficulty. Such a plan should specifically address the particular needs and circumstances of vulnerable children, including those living out of the parental home.

Given the extraordinarily disadvantaged circumstances of many Aboriginal families and communities in the province, this cross-ministry plan must provide a special focus on their situation.

The evidence base for developing such a plan is clear: research-based early intervention programs are effective at impacting the criminological risk factors associated with crime and thus, they prevent or reduce criminality while also producing collateral benefits for individuals, families, schools, communities and society as a whole.

Specifically, the research has shown that:

1) early intervention efforts are necessary and are best implemented as early in the life-course as possible
2) there are examples of programs that support families and are effective in preventing conduct problems in childhood, delinquency in adolescence, and crime in adulthood (e.g., prenatal and early childhood nurse home visitation, Perry Preschool Project in Chicago, bullying prevention programs, treatment foster care)
4) outreach support to children, youth and families can assist during transition periods and help to stabilize parent/family situations and coordination with schools
5) school-based intervention programs have been empirically tested and found to be effective at reducing correlates of crime as well as delinquent behaviour (Roots of Empathy, and the Seattle Social Development Project)
6) intervening in *multiple* systems that simultaneously target *multiple* risk factors for criminality (e.g., individual child factors, family factors, school factors, peer factors, community factors) yields significant results in the prevention and reduction of delinquency
7) youth-justice based intervention programs have been found to be effective at reducing delinquency (e.g., interpersonal skills training, behavioural programs, teaching family homes).

Recommendation 7

That the social policy ministries of government (Education, Health, MCFD, MHSD, Healthy Living, Attorney General, PSSG) produce a cross-Ministry plan that identifies an interlocking network of services to support and assist children, youth and families through the developmental stages (from prenatal to adulthood).

Detail:

- A lead Ministry to be identified for developing the plan by September 30, 2009.
- Existing networks of service providers be consulted about ways to link their services into a coherent plan by November 30, 2009.
- Aboriginal communities and organizations must have the opportunity to participate in the development of the plan.
- A draft plan be provided to the Representative by January 4, 2010.
- A detailed implementation and evaluation plan to be developed by February 1, 2010.
- That the 2010/11 fiscal year be the target date for implementation of a plan – the object of which is to provide for a seamless network of services to children, families and youth in B.C.

Conclusion

Each of the seven recommendations is based on one fundamental concept:

That the government of British Columbia, as the parent of children in care, must lead by example and create the best possible learning and living conditions for its children.

Moving from 'just a concept' to daily actions – to becoming a goal and mission of all in the child-serving system – is essential to changing the lives of so many vulnerable young people in B.C.

British Columbia must work to immediately strengthen its system by focusing on outcomes, evidence-based approaches and regular public accounting on what is accomplished for the most vulnerable children.

This report has identified major stumbling blocks, such as lack of compliance with standards, limited integration of services to children, and inadequate accountability for outcomes. Intensified, focused efforts must be directed to address these if British Columbia is to see real progress.

Appendix A – Data and Matching Methodology

The study examined the involvement of children in care with the justice system by linking child in care administrative data held by the Ministry of Children and Family Development with:

- criminal justice and court services data held by the Ministry of Attorney General;
- adult justice data held by the Ministry of Public Safety and Solicitor General;
- youth justice and forensic psychiatric data held by the Ministry of Children and Family Development;
- education data held by the Ministry of Education; and
- income assistance data held by the Ministry of Housing and Social Development.

The data was linked on name, gender and birth date as there is no common identifier among the different administrative data systems. Quite often even when there is a common identifier to match across systems, name, gender, and birth date matching is required as there is duplication within the administrative data with the same person having more than one identifier.

Cohort Approach

The study followed a cohort of 11-year-olds in the educational system in 1997 to understand the trajectory of the involvement of children in care with the youth justice system.

The majority of children in care are categorized under two main categories: those who are made wards of MCFD through a continuing custody order and those who enter into temporary care.

Comparison populations were drawn from the general population and the general Aboriginal population using MoE data as a population base. Children in the Children of a Home of a Relative (CIHR) population were also used as a comparative population.

The CIHR program is a program of the former Ministry of Employment and Income Assistance (MEIA, now the Ministry of Housing and Social Development (MHSD)) that provides assistance to a child in the home of relative. The program provides financial support to children who are placed in a relative's home by their parents. This is when the parents are unable to assume full financial responsibility for supporting the child. There is preliminary evidence that this population has similar vulnerabilities to the children in care population.

The final comparison population was the Aboriginal population drawn from the MoE database. The Aboriginal child and youth population is over-represented in the criminal justice system, children in care population and the Child in the Home of a Relative program.

Statistics were broken down by Aboriginal, gender, and care status to better understand the characteristics of the study population.

Base Population

There were 50,551 distinct children born in 1986 who were attending school in 1997/98. All were 11 years of age by December 31, 1997.

Children in Care Data

In linking up children in care data, aliases were added from the MHSD data system as MCFD and MHSD use the same management information system. As a result, children in care and CIHR share two common identifiers that make it easier to match where there is overlap between the two programs. On the initial match, there were 1,978 distinct children in care in the MCFD data that had birthdates of 1986. 1,889 children in care were successfully linked with students from the education system for an initial match rate of 95.5 per cent.

Analysis was then performed on the 89 that did not match up to determine why they failed to match.

There are a number of reasons that there was not a complete match with the education system:

1) 39 children in care had other birthdates that were outside 1986 indicating they were not part of the 1986 cohort. This increased the match rate to 97.4 per cent.
2) 39 had start dates with MCFD after 1997 which suggest they may have came from another province and did not enter the B.C. educational system.
3) Children in care have higher mortality rates than other children so a certain percentage of those born in 1986 and taken into care would have died before they entered the education system.
4) Data entry errors, name changes and aliases could also contribute to mismatches and missed matches.

There was a certain amount of duplication in the MCFD data. After removing the duplication, the final cohort size was 1,880 children in care with birthdates of 1986 that could be matched to students in the educational system. Of the 1,880 children in care with birthdates of 1986, 1,683 were part of the cohort attending school in 1997.

Children in Home of a Relative Data

There were initially 1,654 children in the CIHR program with birthdates of 1986. In linking up CIHR data, aliases were added from the MCFD data system as MCFD and MHSD share two common identifiers, person ID and personal health number (PHN). Extra alias info from the MCFD system was added for 22 per cent or 379 children in the CIHR program out of 1,654 who had also been children in care. The initial match rate with the 1986 cohort was 93.2 per cent or 1,541 out of 1,654 CIHR from 1986. Analysis was then performed on the 113 that did not match up to determine why they did not match:

1) 29 also had birthdates from other years indicating they were not part of the 1986 cohort.
2) A certain number of children in the CIHR program may have come from another province and never entered the education system.
3) Data entry errors, name changes and aliases could also contribute to mismatches and missed matches.

In the end, of the 1,541 children in the CIHR program with birthdates of 1986, 1,177 were part of the cohort attending school in 1997.

Criminal Justice System Data

From 1998 to 2001, the Ministry of Attorney General changed information systems and did a phased implementation of the new Justice Information System (JUSTIN). During those years, one location at a time was brought onto JUSTIN. When each location came onto JUSTIN, conversion was achieved in one of two methods. Some locations had their old legacy system records electronically converted to JUSTIN. The conversion process was only partly successful and was eventually abandoned in favour of the second method. The second method was for the clerks to key in all the active files and on a specified date all the new incoming files were keyed into JUSTIN and the legacy system was abandoned in that location. One by one all the locations were converted to JUSTIN. On July 1, 2001 the conversion was complete.

The Crown legacy system predating JUSTIN was known as CRN. The CRN information system was in place province-wide during 1997, with the exception of Kelowna. During 1997, Kelowna was a test location and the only location on JUSTIN. The CRN data system was used by the Criminal Justice Branch (provincial prosecution services), but was not used by the Federal Crown Counsel (federal prosecutions of drug and federal statutes). Since Criminal Justice Branch does not prosecute all criminal matters, the CRN data provided likely represents approximately 89 per cent of the total youths that have come in contact with the law.

JUSTIN and CRN data

This was a difficult data set to put together. The CRN data had 2,176 records with birthdates of 1986. These records are case-based and there was a large percentage of duplication in this data extract. There were 3,648 records in the JUSTIN data set with birthdates of 1986. After removing duplication and linking the JUSTIN and CRN data sets, there were 3,988 distinct individuals with birthdates in 1986. Linking showed that there were 3,729 matches with the education cohort for an initial match rate of 93.5 per cent.

Thirty-four out of the original cohort had additional birthdates other than 1986 suggesting they were not part of the original cohort increasing the match rate to 94.3 per cent. This left 225 with birthdates in 1986. They may have moved into the province at a later date. In the end, of the 3,954 youth recommended for charges with birthdates of 1986, 3,250 were part of the cohort attending school in 1997.

Justice Data

Justice data is contained in the Corrections Network System (CORNET) which contains person-level data back to 1975. CORNET was implemented between the years 1997 to 1998 and replaced the community-based information system (PRS) and custody information system (CARE) of the B.C. Corrections Branch and Youth Justice Branch which preceded it.

There were 4,889 unique IDs in the corrections name file with birthdates of 1986. 4,322 of those were linked to the students in the education system for an initial match rate of 88 per cent. The match rate for CORNET data is lower because it includes adults born in 1986 who migrated to British Columbia from other provinces or countries and never entered British Columbia's education system. Of the 2,702 youths born in 1986 with youth offender records in CORNET, 2,500 were linked up to the educational system for a match rate of 92.5 per cent.

In the end, of the 4,322 youth involved with the correction system with birthdates of 1986, 3,784 were part of the cohort attending school in 1997. In addition, of the 2,500 with young offender records who were linked up to the education system, 2,212 were part of the 1986 cohort attending school in 1997.

There are a number of different ways that a person can get entered into the CORNET system. These include remand, lockup, bail supervision, probation/conditional sentencing and sentencing. About 10 per cent of the IDs created in CORNET do not have corresponding records in the corrections event file which reports on offender/accused activity from admission to discharge.

Income Assistance Data

There were initially 23,213 unique IDs with a birthdate of 1986 in the income assistance (IA) data from the Ministry of Employment and Income Assistance (now known as the Ministry of Housing and Social Development). In linking up IA data, aliases were added from the MCFD data system as MCFD and MEIA (MHSD) share two common identifiers, person ID and personal health number (PHN).

The initial match rate with the 1986 education cohort was 87.6 per cent or 20,339 out of 23,213 IDs from 1986. Analysis was then performed on the 2,874 that did not match up to determine why they did not match:

4) 190 also had birthdates from other years indicating they were not part of the 1986 cohort.
5) A certain number of clients on IA come from other provinces or regions and never entered the education system.
6) Data entry errors, name changes and aliases could also contribute to mismatches and missed matches.

In the end, of the 23,213 clients on IA with birthdates of 1986, 20,339 were part of the cohort attending school in 1997. There was approximately 18 per cent duplication within the IA IDs. After removing duplication, there were 17,526 unique IDs from the 1986 cohort who had spent time on income assistance. Excluding time spent in the CIHR program, there were 14,889 children and youth in the cohort who had spent time on income assistance either by themselves or with their families before the age of 19.

Appendix B – Background Data

Table 1: Number of youths charged by study population

Backing table for Figure 5

Population	Total N	Charged (Youth 12–17)	
		n	%
Province	50,551	3,250	6.4%
Male	25,886	2,109	8.1%
Female	24,665	1,141	4.6%
Children in Care	1,683	693	41.2%
Male	827	406	49.1%
Female	856	287	33.5%
Continuing Custody Order	548	237	43.2%
Male	279	141	50.5%
Female	269	96	35.7%
Temporary Custody	1,135	456	40.2%
Male	548	265	48.4%
Female	587	191	32.5%
Children in the Home of a Relative	1,177	358	30.4%
Male	568	218	38.4%
Female	609	140	23.0%
Aboriginal	4,947	909	18.4%
Male	2,469	547	22.2%
Female	2,478	362	14.6%

Table 2: Recommended charges approved to court

Backing table for Figure 6

Crown Decision	Temporary Care			Continuing Care			All Children in Care			CIHR			Aboriginal			Children not in Care		
	F	M	Total	F	M	Total	F	M	Total	F	M	Total	F	M	Total	F	M	Total
Approved to Court	1325	2667	3992	729	1909	2638	2054	4576	6630	646	1590	2236	1484	3761	5245	1197	4613	5810
Total Recommended Charges	1522	3064	4586	871	2127	2998	2393	5191	7584	828	1898	2726	1872	4491	6363	2028	6298	8326
% Approved to Court	87%	87%	87%	84%	90%	88%	86%	88%	87%	78%	84%	82%	79%	84%	82%	59%	73%	70%
Persons	191	265	456	96	141	237	287	406	693	140	218	358	362	547	909	567	1297	1864
Recommended charges per Individual	8.0	11.6	10.1	9.1	15.1	12.6	8.3	12.8	10.9	5.9	8.7	7.6	5.2	8.2	7.0	3.6	4.9	4.5

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Female	269	96	35.7%
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Female	587	191	32.5%
Children in the Home of a Relative	1,177	358	30.4%
Male	568	218	38.4%
Female	609	140	23.0%
Aboriginal	4,947	909	18.4%
Male	2,469	547	22.2%
Female	2,478	362	14.6%

Table 2: Recommended charges approved to court

Backing table for Figure 6

Charge Decision	Temporary Care			Continuing Care			Not in Care			Youth			Aboriginal			Children not in Care		
	F	M	Total	F	M	Total	F	M	Total	F	M	Total	F	M	Total	F	M	Total
Approved to Court	1325	2667	3992	729	1909	2638	2054	4576	6630	646	1590	2236	1484	3761	5245	1197	4613	5810
Total Recommended Charges	1522	3064	4586	871	2127	2998	2393	5191	7584	828	1898	2726	1872	4491	6363	2028	6298	8326
% Approved to Court	87%	87%	87%	84%	90%	88%	86%	88%	87%	78%	84%	82%	79%	84%	82%	59%	73%	70%
Persons	191	265	456	96	141	237	287	406	693	140	218	358	362	547	909	567	1297	1864
Recommended charges per Individual	8.0	11.6	10.1	9.1	15.1	12.6	8.3	12.8	10.9	5.9	8.7	7.6	5.2	8.2	7.0	3.6	4.9	4.5

Table 3: Number of recommended charges by offence

Backing table for Figure 7

Offence	Children not in Care	Children in Care	Grand Total	% CIC
Property	**3236**	**2084**	**5320**	**39.2%**
Administrative	1818	3118	4936	63.2%
Violent	**1340**	**1047**	**2387**	**43.9%**
Other	187	223	410	54.4%
Drug	**162**	**46**	**208**	**22.1%**
All Other Offences	1583	1066	2649	22.1%
Total	**8326**	**7584**	**15910**	**47.7%**

Table 4: **Number of youth by study population who appeared in youth court**

Population	Total	Courts (Youth 12-17)	
	#	#	%
Province	50,551	2403	4.8%
Male	25,886	1722	6.7%
Female	24,665	681	2.8%
Children in Care	1,683	607	36.1%
Male	827	372	45.0%
Female	856	235	27.5%
Continuing Custody Order	548	209	38.1%
Male	279	134	48.0%
Female	269	75	27.9%
Temporary Custody	1,135	398	35.1%
Male	548	238	43.4%
Female	587	160	27.3%
Children in the Home of a Relative	1,177	297	25.2%
Male	568	191	33.6%
Female	609	106	17.4%
Aboriginal	4,947	742	15.0%
Male	2,469	476	19.3%
Female	2,478	266	10.7%

Table 5: Graduation rate of those involved with the youth justice system as youths

Backing table for Figure 9

General Population	76.4%	(48339)	30.0%	(2212)	74.4%	(50551)
Male	73.9%	(24378)	28.9%	(1508)	71.2%	(25886)
Female	79.1%	(23961)	32.5%	(704)	77.7%	(24665)
Children in Care	31.1%	(1085)	12.7%	(598)	24.5%	(1683)
Male	29.7%	(462)	12.1%	(365)	21.9%	(827)
Female	32.1%	(623)	13.7%	(233)	27.1%	(856)
Continuing Custody Order	35.7%	(333)	15.3%	(215)	27.7%	(548)
Male	36.1%	(147)	13.6%	(132)	25.4%	(279)
Female	35.5%	(186)	18.1%	(83)	30.1%	(269)
Temporary Custody	29.0%	(752)	11.2%	(383)	23.0%	(1135)
Male	26.7%	(315)	11.2%	(233)	20.1%	(548)
Female	30.7%	(437)	11.3%	(150)	25.7%	(587)
Children in the Home of a Relative	32.3%	(911)	11.3%	(266)	27.5%	(1177)
Male	28.7%	(397)	8.2%	(171)	22.5%	(568)
Female	35.0%	(514)	16.8%	(95)	32.2%	(609)
Aboriginal	51.4%	(4253)	16.6%	(694)	46.5%	(4947)
Male	48.5%	(2040)	13.8%	(429)	42.5%	(2469)
Female	54.0%	(2213)	21.1%	(265)	50.5%	(2478)

Table 3: Number of recommended charges by offence

Backing table for Figure 7

Offence	Children not in Care	Children in Care	Grand Total	% CIC
Property	**3236**	**2084**	**5320**	**39.2%**
Administrative	1818	3118	4936	63.2%
Violent	**1340**	**1047**	**2387**	**43.9%**
Other	187	223	410	54.4%
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Female	587	160	27.3%
Children in the Home of a Relative	1,177	297	25.2%
Male	568	191	33.6%
Female	609	106	17.4%
Aboriginal	4,947	742	15.0%
Male	2,469	476	19.3%
Female	2,478	266	10.7%

Table 5: Graduation rate of those involved with the youth justice system as youths

Backing table for Figure 9

	Non-Youth Justice		Youth Justice		Total	
	Graduation Rate	n	Graduation Rate	n	Graduation Rate	n
General Population	**76.4%**	**(48339)**	**30.0%**	**(2212)**	**74.4%**	**(50551)**
Male	73.9%	(24378)	28.9%	(1508)	71.2%	(25886)
Female	79.1%	(23961)	32.5%	(704)	77.7%	(24665)
Children in Care	**31.1%**	**(1085)**	**12.7%**	**(598)**	**24.5%**	**(1683)**
Male	29.7%	(462)	12.1%	(365)	21.9%	(827)
Female	32.1%	(623)	13.7%	(233)	27.1%	(856)
Continuing Custody Order	**35.7%**	**(333)**	**15.3%**	**(215)**	**27.7%**	**(548)**
Male	36.1%	(147)	13.6%	(132)	25.4%	(279)
Female	35.5%	(186)	18.1%	(83)	30.1%	(269)
Temporary Custody	**29.0%**	**(752)**	**11.2%**	**(383)**	**23.0%**	**(1135)**
Male	26.7%	(315)	11.2%	(233)	20.1%	(548)
Female	30.7%	(437)	11.3%	(150)	25.7%	(587)
Children in the Home of a Relative	**32.3%**	**(911)**	**11.3%**	**(266)**	**27.5%**	**(1177)**
Male	28.7%	(397)	8.2%	(171)	22.5%	(568)
Female	35.0%	(514)	16.8%	(95)	32.2%	(609)
Aboriginal	**51.4%**	**(4253)**	**16.6%**	**(694)**	**46.5%**	**(4947)**
Male	48.5%	(2040)	13.8%	(429)	42.5%	(2469)
Female	54.0%	(2213)	21.1%	(265)	50.5%	(2478)

Table 6: Per cent with educational special needs (excluding gifted) by study population

Backing table for Figure 10

	Non-Youth Justice		Youth Justice		Total	
	% Special Needs	n	% Special Needs	n	% Special Needs	n
General Population	13.4%	48,339	61.8%	2,212	15.5%	50,551
Male	16.5%	24,378	64.1%	1,508	19.3%	25,886
Female	10.1%	23,961	57.0%	704	11.5%	24,665
Children in Care	60.6%	1,085	87.1%	598	70.0%	1,683
Male	69.3%	462	91.5%	365	79.1%	827
Female	54.1%	623	80.3%	233	61.2%	856
Continuing Custody Order	66.1%	333	90.7%	215	75.7%	548
Male	71.4%	147	93.2%	132	81.7%	279
Female	61.8%	186	86.7%	83	69.5%	269
Temporary Custody	58.1%	752	85.1%	383	67.2%	1,135
Male	68.3%	315	90.6%	233	77.7%	548
Female	50.8%	437	76.7%	150	57.4%	587
Child in the Home of a Relative	44.6%	911	81.2%	266	52.8%	1,177
Male	51.4%	397	83.6%	171	61.1%	568
Female	39.3%	514	76.8%	95	45.2%	609
Aboriginal	32.1%	4,253	75.2%	694	38.1%	4,947
Male	37.2%	2,040	80.4%	429	44.7%	2,469
Female	27.4%	2,213	66.8%	265	31.6%	2,478

Table 7: Percentage on Income Assistance* by the age of 19

Backing table for Figure 12

	[illegible]		Youth justice		[illegible]	
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
General Population	27.8%	(48339)	66.3%	2,212	29.5%	50,551
Male	27.2%	(24378)	64.3%	1,508	29.4%	25,886
Female	28.3%	(23960)	70.8%	704	29.5%	24,665
Children in Care	87.7%	(1085)	88.1%	598	88.6%	1,68-
Male	87.0%	(462)	86.8%	365	86.9%	827
Female	88.3%	(623)	90.1%	233	88.8%	856
Continuing Custody Order	88.3%	(333)	87.9%	215	88.1%	548
Male	87.8%	(147)	86.4%	132	87.1%	279
Female	88.7%	(186)	90.4%	83	89.2%	269
Temporary Custody	87.5%	(752)	88.3%	383	87.8%	1,135
Male	86.7%	(315)	87.1%	233	86.9%	548
Female	88.1%	(437)	90.0%	150	88.6%	587
Child in the Home of a Relative	87.2%	(911)	93.2%	266	88.5%	1,177
Male	86.6%	(397)	94.2%	171	88.9%	568
Female	87.5%	(514)	91.6%	95	88.2%	609
Aboriginal	60.1%	(4253)	81.0%	694	63.0%	4,947
Male	59.7%	(2040)	79.5%	429	63.1%	2,469
Female	60.5%	(2213)	83.4%	265	63.0%	2,478

*excludes time spent as a Child in the Home of a Relative (CIHR)

Table 6: Per cent with educational special needs (excluding gifted) by study population

Backing table for Figure 10

	Non-Youth Justice		Youth Justice		Total	
	% Special Needs	n	% Special Needs	N	% Special Needs	N
General Population	**13.4%**	**48,339**	**61.8%**	**2,212**	**15.5%**	**50,551**
Male	16.5%	24,378	64.1%	1,508	19.3%	25,886
Female	10.1%	23,961	57.0%	704	11.5%	24,665
Children in Care	**60.6%**	**1,085**	**87.1%**	**598**	**70.0%**	**1,683**
Male	69.3%	462	91.5%	365	79.1%	827
Female	54.1%	623	80.3%	233	61.2%	856
Continuing Custody Order	**66.1%**	**333**	**90.7%**	**215**	**75.7%**	**548**
Male	71.4%	147	93.2%	132	81.7%	279
Female	61.8%	186	86.7%	83	69.5%	269
Temporary Custody	**58.1%**	**752**	**85.1%**	**383**	**67.2%**	**1,135**
Male	68.3%	315	90.6%	233	77.7%	548
Female	50.8%	437	76.7%	150	57.4%	587
Child in the Home of a Relative	**44.6%**	**911**	**81.2%**	**266**	**52.8%**	**1,177**
Male	51.4%	397	83.6%	171	61.1%	568
Female	39.3%	514	76.8%	95	45.2%	609
Aboriginal	**32.1%**	**4,253**	**75.2%**	**694**	**38.1%**	**4,947**
Male	37.2%	2,040	80.4%	429	44.7%	2,469
Female	27.4%	2,213	66.8%	265	31.6%	2,478

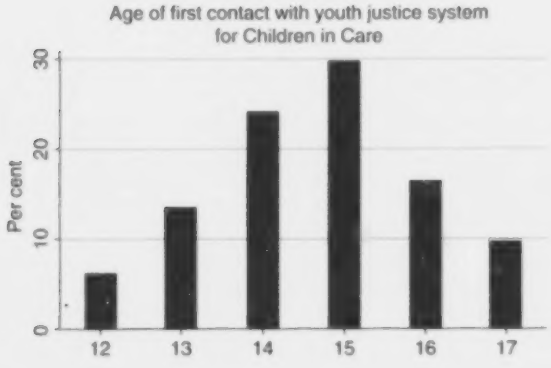
Table 7: Percentage on Income Assistance* by the age of 19

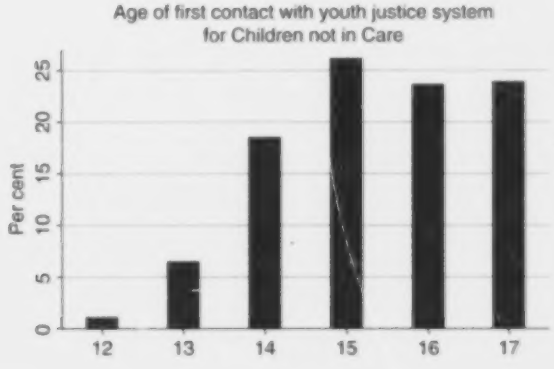
Backing table for Figure 12

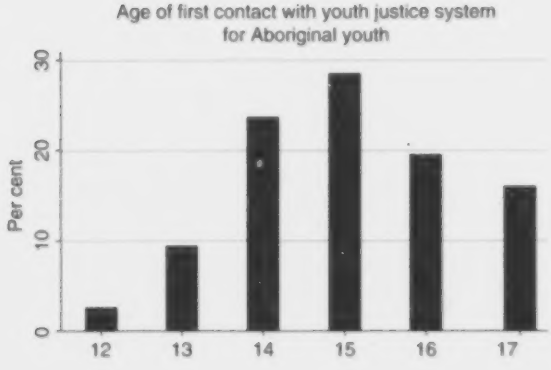
	Non-Youth Justice		Youth Justice		Total	
	% on IA	n	% on IA	n	% on IA	n
General Population	**27.8%**	**(48339)**	**66.3%**	**2,212**	**29.5%**	**50,551**
Male	27.2%	(24378)	64.3%	1,508	29.4%	25,886
Female	28.3%	(23961)	70.6%	704	29.5%	24,665
Children in Care	**87.7%**	**(1085)**	**88.1%**	**598**	**88.6%**	**1,683**
Male	87.0%	(462)	86.8%	365	86.9%	827
Female	88.3%	(623)	90.1%	233	88.8%	856
Continuing Custody Order	**88.3%**	**(333)**	**87.9%**	**215**	**88.1%**	**548**
Male	87.8%	(147)	86.4%	132	87.1%	279
Female	88.7%	(186)	90.4%	83	89.2%	269
Temporary Custody	**87.5%**	**(752)**	**88.3%**	**383**	**87.8%**	**1,135**
Male	86.7%	(315)	87.1%	233	86.9%	548
Female	88.1%	(437)	90.0%	150	88.6%	587
Child in the Home of a Relative	**87.2%**	**(911)**	**93.2%**	**266**	**88.5%**	**1,177**
Male	86.6%	(397)	94.2%	171	88.9%	568
Female	87.5%	(514)	91.6%	95	88.2%	609
Aboriginal	**60.1%**	**(4253)**	**81.0%**	**694**	**63.0%**	**4,947**
Male	59.7%	(2040)	79.5%	429	63.1%	2,469
Female	60.5%	(2213)	83.4%	265	63.0%	2,478

*excludes time spent as a Child in the Home of a Relative (CIHR)

Table 8: Age of first contact with youth justice system from ages 12–17 for study populations







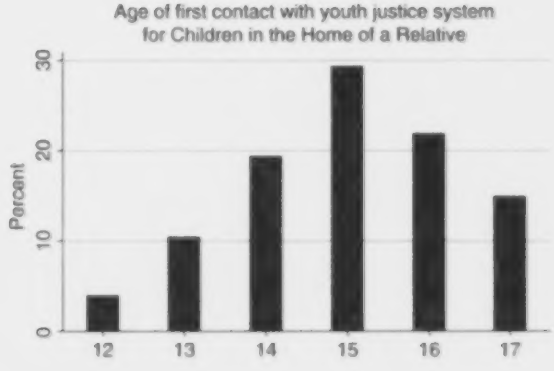


Table 9: Per cent involved with the youth justice system with a history of violence by study population (Not mutually exclusive)

Backing table for Figure 15

Population	% Violent History	History of Violence (N)	Youth Justice (N)
General Population	**24.1%**	**532**	**2212**
Male	28.6%	431	1508
Female	14.3%	101	704
Children in Care	**34.1%**	**204**	**598**
Male	42.7%	156	365
Female	20.6%	48	233
Continuing Care	**35.8%**	**77**	**215**
Male	47.7%	63	132
Female	16.9%	14	83
Temporary Care	**33.2%**	**127**	**383**
Male	39.9%	93	233
Female	22.7%	34	150
Children in the Home of a Relative	**36.5%**	**97**	**266**
Male	41.5%	71	171
Female	27.4%	26	95
Aboriginal	**30.5%**	**212**	**694**
Male	37.5%	161	429
Female	15.5%	51	265

Table 9: Per cent involved with the youth justice system with a history of violence by study population (Not mutually exclusive)

Backing table for Figure 15

General Population	24.1%	532	2212
Male	28.6%	431	1508
Female	14.3%	101	704
Children in Care	34.1%	204	598
Male	42.7%	156	365
Female	20.6%	48	233
Continuing Care	35.8%	77	215
Male	47.7%	63	132
Female	16.9%	14	83
Temporary Care	33.2%	127	383
Male	39.9%	93	233
Female	22.7%	34	150
Children in the Home of a Relative	36.5%	97	266
Male	41.5%	71	171
Female	27.4%	26	95
Aboriginal	30.5%	212	694
Male	37.5%	161	429
Female	15.5%	51	265

Table 10: Number of youths who have been in community or institutional setting

Setting	Aboriginal (n=4947)		CIHR (n=1177)		Children in Care (n=1683		Temporary Custody (n=1135)		Continuing Custody Order (n=548)		Province n=50, 551)	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Community	679	13.7%	259	22.0%	591	35.1	380	33.5%	211	38.5%	2168	4.3%
Institutional	251	5.1%	105	8.9%	300	17.8%	189	16.7%	111	20.3%	645	1.3%
Unknown	4	0.1%	3	0.3%	4	0.2%	1	0.1%	3	0.5%	14	0.0%
Total	694	14.0%	266	22.6%	598	35.5%	383	33.7%	215	39.2%	2212	4.4%

Note:

1. Community, Institutional and Unknown do not add up to the Total column. They are not mutally exclusive.
2. Community means that the youth has received a probation, bail or alternative measures order.
3. Institutional means that the youth has received a lockup, remand or sentencing (open or secure) order.

Appendix C – Recommendations List from the 2007 Joint Special Report: *Health and Well-Being of Children in Care in British Columbia – Educational Experience and Outcomes*

	Recommendations
1	**The Ministry of Children and Family Development should:** 1) By September 2007, know the number of school-aged children who are, or who have been, in care and the school districts in which these children are enrolled; 2) Immediately begin the process of collecting personal education numbers for every child in care to allow tracking and planning the educational progress of each child at an individual level; 3) By October 2007, using aggregate data, begin publicly reporting on the educational attainment levels of children in its care on an annual basis; 4) By October 2008, report on changes in educational attainment of the above children, and the educational attainment of children newly taken into care.
2	**For the Ministry of Education** Implement the Early Development Instrument for every child in British Columbia at initial school entry, whether in Kindergarten or Grade 1.
3	**For the Ministry of Education** Assess all children in the province on their reading, writing and numeracy skills. Report Foundation Skills Assessment results for the total number of children at grade level, not just for those who wrote the assessment.
4	**For the Ministry of Children and Family Development, the Ministry of Education and the Ministry of Health** Assess the adequacy and effectiveness of resources dedicated to the special needs of children in care using a framework developed in conjunction with the Representative for Children and Youth. Report back on the results of this audit/evaluation to the Representative for Children and Youth by June 30, 2008.
5	**For the Ministry of Education, School Districts and the Ministry of Children and Family Development** Ministry of Education: When a child in care moves from one school to another, inform the Ministry of Children and Family Development within 24 hours. Ministry of Children and Family Development: Reduce the number of school moves for children in care. Mitigate the adverse effects of school moves by working with the sending and receiving schools when school moves are unavoidable, so that the child is supported and assisted in the new school.

	Recommendations
6	**For the Ministry of Children and Family Development and the Ministry of Education** Ministry of Children and Family Development: Take the lead in ensuring that a common education plan is jointly developed with the Ministry of Education for each child in care, with care providers, family members and relevant support professionals involved in the planning process, including specific supports and accountability for these services. Establish a monitoring mechanism to ensure that each child's plan is reviewed at least twice during the school year. Establish a protocol between the two ministries to ensure that report cards for all children in care are sent to the Ministry of Children and Family Development, and that the Ministry of Children and Family Development follows up with schools as required to ensure that all the children in its care are meeting targets and expectations, and where they are not, make account for these gaps in a systemic annual review.
7	**For senior policy-makers in the Ministry of Education, school boards and the Ministry of Children and Family Development, and Aboriginal communities** Devise a strategy using the enhancement agreement that takes into account the high number of Aboriginal children who have been in care that will: 1) identify problem areas that need to be addressed for Aboriginal children in care specifically 2) develop an action plan to address these problems, and 3) set out specific targets that will be measurably improved within five years. These targets should include a higher graduation rate and a higher percentage of Aboriginal children in care with grade level reading, writing and numeracy skills.
8	**Ministry of Children and Family Development:** Provide financial and other supports for youth leaving continuing care at age 19 to assist with ongoing education, training, upgrading and life skills development. **Ministry of Advanced Education:** Work with the Ministry of Children and Family Development, the Ministry of Education and post-secondary educational institutions to reach out, attract and mentor youth from care to increase the number of youth both attending and successfully completing post-secondary educational programs.
9	**For the Ministry of Education** Pilot and evaluate a number of innovative programs to support better educational outcomes for children in care and other vulnerable children.

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